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Promotion and protection of the rights of children: promotion and protection of the rights of children

Report of the Special Representative of the Secretary-General for Children and Armed Conflict

Summary

The present report is submitted to the General Assembly pursuant to its resolution 67/152 on the rights of the child, in which it requested the Special Representative of the Secretary-General for Children and Armed Conflict to submit a report to the Assembly on the activities undertaken in fulfilment of the mandate and on the progress achieved in advancing the children and armed conflict agenda.

The report covers the period from August 2012 to July 2013. It describes trends, selected issues of concern and progress made over the past year at both the policy and operational levels, including on the mainstreaming of child protection issues within the United Nations system.

The report also provides information on field visits of the Special Representative, on her engagement with regional organizations and international partners and on dialogue with parties to conflict. It outlines a number of priorities for the way forward and concludes with a set of recommendations to enhance the protection of children affected by conflict.

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I. Introduction

1. On 13 July 2012, the Secretary-General appointed Leila Zerrougui of Algeria as his Special Representative for Children and Armed Conflict to succeed Radhika Coomaraswamy, who is thanked for the important progress achieved during her tenure.

2. In its resolution 67/152, the General Assembly requested the Special Representative to submit a report on the activities undertaken in fulfilment of her mandate, including information on field visits and on the progress and challenges in the advancement of the children and armed conflict agenda.

3. The present report highlights progress made over the past year and outlines the immediate priorities, as well as a longer-term vision, to take forward the children and armed conflict agenda in collaboration with Member States, United Nations entities, regional organizations and civil society.

4. The Special Representative expresses her gratitude to United Nations partners, in particular the United Nations Children's Fund (UNICEF), the Department of Peacekeeping Operations and the Department of Political Affairs, as well as to the country teams and civil society organizations that continue to play a crucial role in the fulfilment of her mandate. Child protection actors in the field are to be commended for their commitment to their work and their ongoing courage.

II. Trends in the children and armed conflict agenda

5. In 1996, by its resolution 51/77, the General Assembly created the mandate of the Special Representative in response to the report on the impact of armed conflict on children submitted by Graça Machel (A/51/306), in which the full extent to which children are affected in situations of armed conflict was highlighted for the first time. Since then, the international community has rallied behind the plight of children and has united in the common goal to end grave violations. Progress has been made at the normative and policy levels and coordination has been enhanced among child protection actors within the United Nations system, as well as with national and international partners.

6. Nevertheless, children continue to bear the brunt of today's conflicts. Violations of children's rights occur daily in new and deepening crises, often on a large scale. The challenges of delivering humanitarian assistance to children affected by conflict are often exacerbated by the difficulty of reaching populations displaced as a result of insecurity across different regions. Similarly, the cross-border recruitment of children has become a common trait in many conflict situations, deepening the protection crisis.

7. Traditional warfare, evolving technologies and terror tactics deeply disrupt children's lives in many parts of the world. In other cases, extremist groups indoctrinate and take advantage of children in conflict or specifically target children and educational institutions.

8. In some post-conflict situations, where the root causes of conflict have remained unaddressed, cyclic relapses into violence have occurred, reversing important gains for children and exposing them to the risk of rerecruitment. This illustrates the need to enhance the mainstreaming of child protection concerns into

national peacebuilding priorities and plans, including in resource allocation processes.

9. The challenges and concerns outlined herein are not new. While the joint efforts of Member States, the United Nations system and international partners have contributed to mitigating the impact of armed conflict on children, much remains to be done. The Special Representative has made it a priority to encourage Member States to renew their political engagement, which is crucial in translating international and national child protection standards and legislation into concrete gains for children in times of conflict.

10. Engagement at the international, regional and national levels is even more crucial as the nature of armed conflict continues to evolve and to present challenges for the protection of children.

A. Ongoing and emerging concerns for child protection

11. The reporting period was marked by the escalation of the conflict in the Syrian Arab Republic and by the conflict and military intervention in northern Mali, as well as by renewed instability in the Central African Republic. Children have also been severely affected in the many protracted conflict situations in which they continue to be victims of grave violations, including their recruitment and use by armed forces and groups.

12. Each year, thousands of children are trapped in armed conflict, and they are killed and maimed by explosive weapons, while in the direct line of fire or as collateral damage. Tactics relying heavily on explosive weaponry continued to have a disproportionate effect on children. Air strikes and the use of cluster munitions in populated areas, especially near schools and hospitals, continue to have a devastating impact on civilians, including children. In addition, children have been the victims of suicide attacks, both as bystanders and through their recruitment as suicide bombers. Improvised explosive devices, rockets, landmines, unexploded ordnance and remnants of war continued to take the lives and limbs of children in numerous countries.

13. Sexual violence remains widespread in many conflict situations, affecting both girls and boys. Although underreported, sexual violence and the forced marriage of girls to members of armed groups continued to be a pervasive threat.

14. Attacks on schools, hospitals, teachers, schoolchildren and medical personnel in situations of conflict remain widespread and alarming. Access to education and health care continues to be disrupted by the damage or destruction resulting from targeted attacks on schools and medical facilities and by the use of explosive weapons. Many schools and hospitals are looted by armed groups, used as barracks, operational centres and detention sites, including by governmental forces. Access to education is also hampered, as schools are targeted by armed groups as places for the indoctrination and recruitment of children. In some cases, extremist armed groups also interfere in school programmes. Teachers and medical personnel are often threatened or become victims of targeted killings and abductions. Girls' access to education is particularly affected by all forms of attack on schools.

1. Military use of schools and its impact on education

15. Schools remain at the heart of armed conflict in many countries around the world. The use of schools for military purposes by armed forces and groups continues to put schoolchildren at risk of attack and hampers children's access to education. Schools are often being used as military barracks, weapon storage areas, command centres, detention and interrogation sites, firing and observation positions and training grounds for combatants, as well as serving as recruiting grounds for children. This practice not only results in reduced enrolment, high dropout rates and overcrowding of schools, but also changes the civilian nature of schools and may lead to the perception of schools as legitimate targets for attack. Even when children are evacuated from schools used by military forces, their right to an education under international human rights law is compromised. In some situations, as a direct result of the military use of schools, children have been injured or killed and schools have been damaged or destroyed in targeted attacks and by the indiscriminate use of weapons.

16. International humanitarian law prohibits armed forces and groups from using schools while children and teachers are using them for educational purposes. Parties to conflict are urged to fully comply with this obligation and not to use schools for any purpose in support of their military efforts. They are called upon to urgently take all precautionary measures not to endanger civilians and civilian objects in the vicinity of military targets and to exercise caution, especially when indentifying military targets among buildings that are normally dedicated to civilian purposes.

2. Detention of children associated with armed forces and groups

17. In many countries children are arrested and detained without due process or legal safeguards, including under antiterrorism laws, either because they are perceived as a threat to national security or for acts allegedly committed while associated with armed groups. Children are also captured in the course of military operations and held in formal or informal detention facilities without any legal basis, sometimes incommunicado and for prolonged periods of time.

18. Furthermore, children detained by security forces are often held in poor conditions, in blatant disregard of basic human rights and minimum standards applicable to any person in captivity. When deprived of their liberty, children are particularly vulnerable to human rights abuses, including sexual violence. Parties to the conflict are urged to recognize children associated with armed forces and groups primarily as victims, and in all circumstances children should be treated in accordance with international norms and standards in the area of juvenile justice.

3. Impact on children of the use of drones in military operations

19. The use of explosive weapons in populated areas has been shown to result in a pattern of harm affecting children and their families. In recent years, United Nations actors have noted with concern how evolving technologies and tactics reflecting the changing nature of armed conflict pose a threat to children. Over the past decade, reports of child casualties in the course of military operations by armed unmanned aerial vehicles, referred to as drones, have multiplied. While precise information is not available on the number and circumstances of these incidents, such reports indicate that drones have had a significant impact on children.

20. Drone strikes directly affect the psychosocial well-being of children and their families, as well as their economic situations and educational opportunities. The unannounced and often mixed use of drones for both surveillance and military operations has created a pervasive sense of fear in affected areas. Children have been increasingly kept away from schools because of the fear that they could be killed on their way to school or to compensate for the income lost after the death or injury of a relative due to a drone strike.

21. A growing body of reporting also contributes to an enhanced understanding of the multiple indirect adverse effects of drone strikes on children. Boys and girls have been the victims of drone strikes on schools, funeral processions and other community gatherings. Drone attacks have also led to weakening of the social fabric and of community protection mechanisms.

22. As more Member States are in the process of acquiring this technology, it is hoped that they will equally explore ways to address these concerns and mitigate the impact of drone strikes on children.

B. Progress in dialogue, commitments and action plans with parties to conflict

23. In line with General Assembly resolutions 64/146, 65/197, 66/141 and 67/152 on the rights of the child, in which the Assembly called upon relevant parties to conflict to take time-bound and effective measures to end grave violations against children, progress has been made in eliciting commitments from armed forces and groups to end grave violations. Since the issuance of the previous report of the Special Representative (A/67/256), an action plan to end the recruitment and use of children was signed by the Government of the Democratic Republic of the Congo and the United Nations. Significantly, provisions to halt and prevent sexual violence against children by the Forces armées de la République démocratique du Congo were included in the plan. In addition to the action plan to end the recruitment and use of children, signed in 2012, in the reporting period, the Transitional Federal Government of Somalia also signed an action plan to end the killing and maiming of children, the first of its kind signed by any party to the conflict.

24. Furthermore, during the Special Representative's mission to Yemen, the Government committed to working with the United Nations to develop concrete and time-bound measures to end the recruitment and use of children by the Yemeni armed forces. This commitment marked an initial positive step and it has since been translated into a draft action plan, which was recently endorsed by an interministerial committee and is awaiting the approval of the Cabinet.

25. In Chad, the Government has intensified its efforts to reach full compliance with the action plan to end the recruitment and use of children by the Armée nationale tchadienne, signed in 2011. During the Special Representative's joint visit with UNICEF in May, the Government adopted a 10-point road map committing to short- and medium-term measures with a view to accelerating the implementation of the action plan.

26. Dialogue has been initiated with non-State armed groups to halt and prevent grave violations against children. During the visit of the Special Representative to Yemen, she met with the leadership of the Houthi armed group and opened avenues

for engagement with the United Nations. Similarly, she established contact with commanders of the Free Syrian Army, as well as with representatives of the Sudan People's Liberation Movement-North to discuss ways of addressing grave violations, including the recruitment and use of children.

27. As at July 2013, dialogue had been successfully conducted with 21 parties, resulting in 18 action plans with armed forces and groups.

III. Advocacy and mainstreaming

28. During the first year of her mandate, the Special Representative, building on the work of her predecessor, pursued a four-pronged approach to addressing the plight of conflict-affected children: she has worked with Governments to strengthen their efforts to stop and prevent violations, focused her advocacy to protect the most vulnerable children in some of the worst conflict areas, has continued to work closely with United Nations partners to strengthen child protection capacity in the field and has continued to advocate for ending impunity for violations against children.

29. The Special Representative undertook four field visits to take stock of the situation of children affected by armed conflict and to elicit commitments from parties to end grave violations against children. When possible, she has seized the opportunity of political and peacemaking processes to advance the children and armed conflict agenda, and in particular to advocate for the development and implementation of action plans.

30. The Special Representative has also engaged with countries in which progress on the implementation of action plans has been slow, in an effort to revitalize their engagement and jointly identify country-specific strategies for accelerating implementation. She intends to use this approach in other situations to accelerate global compliance by government forces with the prohibition on the recruitment and use of children in armed conflict. In this regard, in view of the significant number of commitments by parties to conflict and the need for timely follow-up, she has highlighted to donors the importance of sustained funding for the implementation of action plans.

31. With large-scale displacement, porous borders and cross-border arms trafficking fuelling the regional spillover of conflict, the Special Representative has also endeavoured to raise awareness regarding the regional dimension of certain conflict situations and has interacted with regional actors to ensure that children's issues are included in their peacemaking efforts.

32. By further reaching out to Member States and building strong partnerships with regional organizations, the Special Representative intends to continue to use existing policy instruments and agendas to mainstream the issue of children and armed conflict in the United Nations system.

A. Field visits

33. The Special Representative undertook field visits to Yemen (November), the Syrian Arab Republic (December) and Chad (May), as well as a regional visit to

Iraq, Jordan, Lebanon, the Syrian Arab Republic and Turkey (July) to assess first-hand the situation of children and to obtain commitments from parties to conflict to halt and prevent grave violations. Those missions were conducted jointly with UNICEF to further strengthen advocacy at the strategic and operational levels.

1. Yemen

34. The crisis that erupted in Yemen in 2011 has had grave consequences for children, with recruitment and use, killing and maiming and attacks against schools being the most salient violations. Although challenges remain, the transition in Yemen is offering a critical opportunity to enhance the protection of children affected by the armed conflict. During her visit in November 2012, the Special Representative secured progress towards ending the recruitment and use of children by the Yemeni armed forces.

35. Following meetings with President Abdrabuh Mansour Hadi Mansour, Prime Minister Mohamed Salem Mohamed Basendwah, General Ali Mohsen and other officials, President Hadi issued a statement prohibiting the recruitment and use of children by all elements of the country's military and security forces. This constructive stance was further reinforced by the Government's endorsement of the Paris Principles and the creation of an interministerial committee to develop and implement, together with the United Nations, time-bound measures to end the recruitment and use of children. As mentioned in paragraph 24, since the visit of the Special Representative, the commitment of the Yemeni authorities has translated into the adoption of a draft action plan by the ministers concerned and is awaiting Cabinet approval.

36. During that visit, the Special Representative also travelled to Sa'ada to meet with the leader of the Houthi armed group; the meeting opened avenues for the United Nations team on the ground to engage with Houthi on the issue of the recruitment and use of children.

37. This progress notwithstanding, dialogue has not yet fully translated into gains that alleviate the burden of Yemeni children affected by conflict. The preponderance of explosive weaponry, such as mines and unexploded remnants of war, and the use of drones continue to put children at risk. Alongside these overt dangers, the structural causes of poverty and lack of access to education and livelihoods must also be addressed to give children alternatives and prevent them from being recruited. It is hoped that the swift endorsement by the Cabinet of the draft action plan will assist the Yemeni authorities in their efforts to address grave violations against children.

2. Syrian Arab Republic

38. The Syrian Arab Republic remained an open wound in 2012 and throughout the first half of 2013, with children killed, maimed or trapped by the extensive use of explosive weapons in populated areas, displaced from their homes and recruited by the Free Syrian Army and other armed groups. Since the start of this conflict, children have been missing months if not years of schooling, witnessing the deaths of family members and the destruction of their homes. Children also continue to be denied humanitarian access and deprived of health care.

39. In view of the extensive grave violations committed against children by both the Government and armed groups, the Special Representative visited the Syrian Arab Republic in December and again in July.

40. At the time of the first visit, violations against children were ongoing and the damage and destruction of schools and medical facilities was already extensive, rendering thousands of schools and 40 per cent of hospitals non-functional. In her visits to the internally displaced person camps in Damascus and Homs, as well as the refugee camp of Al Yarmouk, she observed the dire humanitarian needs of children facing winter with little food, medicine or shelter.

41. In Damascus, the Special Representative engaged with the Government on a range of issues, including the use of airstrikes and heavy weapons in densely populated areas, the targeting and military use of schools and hospitals by Government forces and the humanitarian needs of children affected by the conflict. Her discussions with Government officials resulted in the establishment of the United Nations monitoring and reporting mechanism on grave violations against children. The Special Representative seized the opportunity of her presence in the Syrian Arab Republic to initiate contacts with Free Syrian Army commanders operating in Rif Damascus and Homs to raise the issue of the recruitment and use of children.

3. Chad

42. The Special Representative visited N'Djamena in May to assess progress on the implementation of the action plan to end the recruitment and use of children signed by the Government and the United Nations in 2011. In the course of the visit, President Idriss Deby Itno renewed his Government's commitment to ending the recruitment and use of children by the Chadian national army. Acting upon that commitment, the Government agreed to undertake specific measures to end and prevent the recruitment of children. With the crucial support of UNICEF, a 10-point road map was adopted identifying the short- and medium-term measures to be implemented with a view to accelerating the implementation of the action plan.

43. Since then, tangible progress has been made and the implementation of the measures has advanced, owing to the joint efforts of the Chadian authorities and the UNICEF country office. Additional financial support will however be needed to ensure that the action plan is implemented effectively and in its entirety.

4. Regional visit to Iraq, Jordan, Lebanon, the Syrian Arab Republic and Turkey

44. In July the Special Representative visited Iraq, Jordan, Lebanon, the Syrian Arab Republic and Turkey to follow up on her previous visit to the Syrian Arab Republic, as well as to take stock of the security and humanitarian challenges presented by the inflow of refugees in neighbouring countries. She commends the efforts of host Governments that opened their borders to refugees from the Syrian Arab Republic and provided life-saving assistance and encourages the international community to continue to support those efforts.

45. Also of concern is the situation of Palestinians who have been forced to seek refuge in Lebanon after decades of asylum in the Syrian Arab Republic. This burden on the already overstretched Palestinian refugee camps should not be neglected, and the Special Representative will be working closely with the United Nations Relief

and Works Agency for Palestine Refugees in the Near East to ensure that children are protected and their rights respected.

46. In the Syrian Arab Republic, where the multiplicity of armed groups in some areas of the country has further complicated humanitarian access as well as the overall protection of children, the Special Representative continued to engage in dialogue with the parties to end grave violations. The Syrian Government has recently promulgated a law prohibiting child recruitment and strengthening sanctions for crimes of sexual violence against children. Building on this development, the Special Representative, in the course of her visit, secured the Government's commitment to establish an interministerial committee to engage with the United Nations on the protection of children. It is hoped that this first step can foster greater engagement by the Government in moving forward with the United Nations on crucial life-saving and protection activities. She also raised the issue of detention of children and highlighted the need for the Syrian authorities to immediately put an end to the practice of arrest and detention of boys on security charges.

47. Furthermore, the Special Representative interacted with representatives of the Free Syrian Army to demand that they put an end to child recruitment and that they separate children without delay. She also reminded them of their obligations under international humanitarian law.

B. Working with Member States, regional organizations and partners

48. Strengthening cooperation with Member States and regional and political organizations for the protection of children has been a priority since the onset of the mandate of the Special Representative. Through field visits, she has endeavoured to establish dialogue with concerned Member States to ensure a collaborative, constructive approach to the implementation of her mandate.

49. She has also continued to engage regularly with Member States in the context of the General Assembly, Security Council and Human Rights Council. It is hoped that such interactions will include periodic briefings to interested regional groups to foster mutual understanding on how to reach common goals.

50. Building on the work of her predecessor, the Special Representative has further sought to deepen the already advanced dialogue with the European Union, including in the course of a visit to Brussels to discuss issues of common concern. In this regard, she has emphasized the importance of fostering the implementation of the European Union Guidelines on Children and Armed Conflict and the importance of the European Union utilizing all the available tools for the benefit of children affected by armed conflict.

51. Since the adoption by the North Atlantic Treaty Organization (NATO) of the outcome documents of the Chicago Summit, which included specific references to children affected by armed conflict, the Office of the Special Representative has continued to engage with NATO to mainstream child protection concerns. During a visit to NATO headquarters in June, she launched an online predeployment child protection training programme and requested NATO to develop and implement measures to ensure that there were no child casualties, as well as transparent reviews and investigation mechanisms when necessary. Furthermore, in Afghanistan, the

United Nations Assistance Mission in Afghanistan and the International Security Assistance Force, largely through the NATO training mission, have been jointly supporting the Government in the implementation of its action plan to prevent and respond to children associated with Government security forces.

52. Progress is ongoing in operationalizing the partnership of the Special Representative with the African Union. She has engaged with both the Peace and Security Department and the Peace Support Operations Division of the African Union to develop a partnership framework for streamlining child protection in its policies and operations, including through the development of guidelines and the provision of senior child protection capacity.

53. In October the Special Representative initiated a dialogue with the League of Arab States on child protection concerns. She intends to reach out further to the Organization of Islamic Cooperation on the need to protect children in armed conflict.

54. The Special Representative welcomes the support provided by the International Organization of la Francophonie for the translation and dissemination of technical guidance for French-speaking audiences and hopes that this initial step will lead to a broader partnership.

55. Throughout the reporting period, the Special Representative has worked closely with the full spectrum of departments of the Secretariat as well as the agencies, funds and programmes of the United Nations system. As the global lead agency for the protection of children, UNICEF continues to be a privileged interlocutor for the mandate of the Special Representative and for the protection of children affected by armed conflict around the world. The Special Representative has sought to further strengthen her collaboration with UNICEF, including through joint high-level advocacy initiatives and technical-level assessments. She has also engaged regularly with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative on Violence against Children to leverage complementarities and build synergies across mandates.

56. In addition, the Office of the Special Representative continues to cooperate with the International Labour Organization (ILO) in the area of economic reintegration activities of children formerly associated with armed forces or groups. The Special Representative will continue to strengthen her partnership with ILO, in particular to identify alternative youth employment and livelihood strategies. In Myanmar in particular, ILO has been deeply engaged in collecting and verifying information on child recruitment and use, in separating children from armed forces and groups and in supporting the implementation of the Government's commitments to end child recruitment.

57. The Special Representative has continued to reach out to civil society at both the national and international levels on issues of common concern and to advance the children and armed conflict agenda.

C. Mainstreaming child protection within the United Nations system

58. As an integral part of her mandate and building on the work of her predecessor, the Special Representative has continued to promote the mainstreaming of child protection in the activities of the United Nations.

59. In cooperation with the Office of the United Nations High Commissioner for Human Rights, the Special Representative supported the deployment of child protection experts to the Independent International Commission of Inquiry for the Syrian Arab Republic and the fact-finding missions to Mali and the Central African Republic. She welcomes the practice of including violations of the rights of children in the mandates of commissions of inquiry and fact-finding missions and ensuring adequate expertise for the investigation of such violations, as it has resulted in a greater focus on violations against children.

60. Ensuring adequate child protection capacity in peacekeeping, peacebuilding and special political missions remains critical for the comprehensive mainstreaming of child protection concerns among uniformed and civilian personnel, as well as for the collection of accurate, objective, reliable and verifiable information on violations against children. Child protection advisers are deployed in six peacekeeping missions and three special political missions. In 2013, child protection capacity was deployed in the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Assistance Mission in Somalia. They complement the strong programmatic approach of UNICEF and play a critical role in gathering information on violations against children, in separating children from armed forces and groups and in initiating dialogue for the development of action plans. They further ensure that the substantive activities of the United Nations missions are sensitive to children's needs. In this regard, the Special Representative commends the initiative of the Department of Peacekeeping Operations, at the request of the Special Committee on Peacekeeping Operations and in consultation with her Office, to launch a review of the 2009 child protection policy in peacekeeping missions. It is her hope that this process will contribute to the further enhancement of child protection capacity in the field.

61. The Special Representative has also been working with the Peacebuilding Support Office to mainstream activities required for the implementation of action plans in national peacebuilding plans funded through the Peacebuilding Fund. As a result, funding was provided in November for the implementation of the action plan signed with the Government of Myanmar in July 2011. She will continue to work closely with the Fund to support similar initiatives and to promote a flexible, predictable and cross-sectoral approach to the funding of action plans.

D. Training in child protection for military and civilian personnel

62. Training is a core element in the mainstreaming of child protection across the United Nations system and in the activities of partners, especially in the field. It ensures compliance with minimum child protection standards in United Nations missions and also has a positive impact on the development of national military guidance.

63. The Department of Peacekeeping Operations, jointly with the Office of the Special Representative, UNICEF and Save the Children, has developed training standards on child protection for all peacekeepers, consisting of a core predeployment training module for all peacekeeping personnel, whether civilian or military, as well as specialized modules for military contingents.

64. The predeployment training modules are practical and field oriented, aimed at preparing peacekeepers to act concretely on the basis of child protection standards.

Through this predeployment training, Member States can sensitize peacekeepers to the concerns of children, equip them to better respond to those concerns and alert child protection actors to violations committed against children.

65. The Office of the Special Representative and the Department of Peacekeeping Operations have jointly developed an online training tool for rank and file soldiers deployed in NATO operations. This training, especially if adopted by all the 28 NATO member States along with its 54 partner countries, can play an important role in furthering the mainstreaming of child protection in multinational military operations. To complement this achievement, the Special Representative has called upon NATO leadership to promote the development of specific training for their commanders.

IV. Way forward

66. The protection of civilians and children affected by conflict remains the primary responsibility of Member States. Working closely with governments and regional organizations in support of their efforts will continue to be the principal avenue by which the Special Representative will carry her mandate forward for the effective protection of children affected by armed conflict.

67. A number of children remain associated with armed groups, however. As a humanitarian imperative and in the best interest of children, the Special Representative has reached out, where appropriate, to non-State parties to conflict. In this regard, she encourages Member States to facilitate contacts between the United Nations and non-State armed groups.

A. Ending the recruitment and use of children by national armed forces by 2016

68. During the reporting period, progress in ending the recruitment and use of children by government forces has been steady. Five Member States have ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which brings the total number of ratifications to 152. The joint and complementary efforts of Member States and child protection actors have reached an important milestone, as an international consensus against the use of children under 18 in conflicts is emerging.

69. Achieving global compliance with international norms for the protection of children must start with ensuring that no children remain in any national army. Accordingly, among the eight government armed forces listed in the report of the Secretary-General on children and armed conflict (A/67/845-S/2013/245, annex I), six have already signed action plans with the United Nations, and active dialogue is ongoing with the remaining two.

70. Building on the campaign for the universal ratification of the Optional Protocol in the 2010-2012 period, the Special Representative has decided to launch a global initiative to end the recruitment and use of children by government armed forces in conflict by 2016, jointly with UNICEF and other United Nations partners. This campaign will provide additional political momentum, renew high-level advocacy and further elicit commitments to end underage recruitment. Through this

initiative, she will endeavour to mobilize resources and financial support for the full implementation of action plans.

71. Ending the recruitment and use of children by government forces in conflict will allow Member States and the international community to focus their efforts on strengthening national capacity to prevent the recruitment and use of children in their territory by non-State armed groups and in conformity with the obligations set out in the Optional Protocol, as well as to strengthen the fight against impunity.

72. As reiterated in the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels (resolution 67/1), respect for human rights, the rule of law and development are interwoven and mutually reinforcing goals. Consistent with this vision, by focusing efforts on the professionalization of State armed forces and promoting full compliance with international children's rights and protection standards, the 2016 campaign will complement security sector reforms as well as the achievement of broader security, human rights and development goals.

B. Supporting the reintegration of children formerly associated with armed groups

73. Children constitute the majority of the population in many conflict and post-conflict societies. Conflict destroys social capital and disrupts the development of children and youth, thus acting as a powerful factor of exclusion. Once a conflict has ceased, the lack of educational and socioeconomic opportunities can fuel a legacy of violence and contribute to a relapse into conflict.

74. Addressing the structural causes of fragility to escape "conflict traps" can be achieved only if a country's long-term recovery efforts include priorities for the successful rehabilitation of the lives of conflict-affected children and young people. While there are several reasons why children join armed forces and groups, poverty a lack of education and limited socioeconomic opportunities have been recognized as an important factor for children's association with armed forces and groups in conflict-affected and fragile countries.

75. To break this vicious cycle, measures must be put in place to protect children from recruitment and rerecruitment and provide them with viable alternatives. Reintegration can serve as an effective tool for the prevention of recruitment through education, skills training, socioeconomic development for children and community sensitization programmes. With such opportunities, the likelihood that children will return to armed groups or engage in criminal activities is significantly reduced. This, in turn, contributes to the building of resilient communities and to social stability. The effectiveness of reintegration measures depends, however, on their continuity and sustainability, as well as the on extent to which the underlying causes of recruitment are being addressed.

76. The multiple challenges faced by conflict-affected countries cannot be resolved by short-term or partial solutions. Heavy debt burdens, lack of resources and other capacity constraints hinder their ability to provide effective and sustained responses. The Special Representative welcomes the report of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda (A/67/890, annex), which highlights the importance of including in the agenda beyond 2015 the goal of

eliminating all forms of violence against children and reiterates the need to ensure education for every child regardless of circumstances.

77. The Special Representative encourages national and international partners to focus on developing national capacity for the establishment of community structures to protect children, economic stabilization and the creation of livelihood opportunities, including youth-oriented employment strategies and programmes. Coordinated and holistic interventions are required to build effective and accountable institutions that provide people, in particular children and young people, with education, security, justice and jobs.

C. Monitoring and responding to attacks on education and health care

78. The concerted effort by both the General Assembly, through its resolution 64/290 on the right to education in emergencies, and the Security Council, through its resolution 1998 (2011) on attacks on schools and hospitals, has put children's access to education and health care in times of armed conflict firmly on the international agenda.

79. To follow up on these important advances, the Office of the Special Representative, in cooperation with partners, is preparing guidance for the field on monitoring and reporting on attacks on educational and health-care facilities and plans to have dialogue with parties to conflict to halt and prevent such violations. A collaborative effort between United Nations peacekeeping and political missions in the field, as well as other United Nations entities, including UNICEF, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, will be essential in strengthening and disseminating good practices for mitigating the effects of conflict on children's education and health care.

80. During the reporting period, notable progress was made in devising and reinforcing protective measures to ensure education in times of conflict. The Global Coalition to Protect Education from Attack, created in 2010 and composed of United Nations entities and non-governmental organizations, spearheaded the development of draft guidelines for protecting schools and universities from military use during armed conflict, also known as the Lucens guidelines. The initiative, which results from broad consultations among military experts, child protection actors, education specialists and international humanitarian and human rights lawyers, is aimed at enhancing knowledge and understanding, as well as improving the monitoring and reporting of attacks on schools. It also served to advocate for the development of clear international norms on the interaction of military forces with schools and schoolchildren. The Special Representative strongly encourages Member States to support this process at both the technical and strategic levels and to promote concrete changes in national policies and legislation, as well as the inclusion of the guidelines in military doctrine, manuals and training.

D. Mainstreaming child protection in peace agreements

81. It has been widely acknowledged that the mainstreaming of children's issues and concerns in peacemaking processes is essential in mobilizing efforts for the

critical protection that children need in times of conflict. Incorporating specific commitments in political settlements, ceasefire arrangements, peace agreements and relevant implementation mechanisms can provide important opportunities and entry points for the rapid release of children from armed forces and groups and their reintegration. Early consideration of children's issues in peacemaking processes also facilitates planning and resource mobilization.

82. Only minimal references to children's rights and needs have been incorporated in recent peace agreements, however, and the mainstreaming of children's issues in peace processes has not yet been translated into a systematic practice. While each conflict poses specific challenges for children, there are core principles that should guide peacemaking efforts and be referenced in peace agreements when appropriate.

83. Any peace agreement should explicitly recognize that children's lives have been affected by the armed conflict, in particular through forced recruitment, displacement and sexual and gender-based violence. At a minimum, parties to the conflict should commit to immediately stopping and protecting children from all violations, including their recruitment and use, killing and maiming, rape and sexual violation.

84. A specific commitment to uphold international legal obligations such as the Convention on the Rights of the Child should also be referenced, and no blanket amnesty should be granted to parties having committed grave violations against children. In addition to a general guarantee of safe humanitarian passage for civilians and humanitarian organizations, peace agreements should expressly prohibit the use of schools for military purposes. The inclusion of these provisions provides legitimacy to child protection actors and facilitates dialogue with the parties to end and prevent grave violations.

85. Ceasefire arrangements and peace agreements should include explicit demands for the immediate cessation of the recruitment and use of children, as well as the swift and orderly release, return and reintegration of children associated with armed actors. In view of the elevated number of child victims of mines and unexploded ordnance, parties should commit to refraining from any further use of those weapons and should swiftly undertake and facilitate efforts to eliminate explosive remnants of war.

86. If a peace agreement exclusively refers to the separation of child combatants, many children and youth, especially girls and those serving in so-called support functions, in particular victims of sexual violence, are at risk of being excluded from adequate reintegration assistance. Peace agreements should acknowledge the special needs of girls and provide for the establishment of rehabilitation programmes, health-care and counselling services for all boys and girls separated from armed forces and groups. Specific consideration should also be given to concerns regarding the protection of vulnerable children, such as refugee and internally displaced children, children separated from their families, unaccompanied minors and children orphaned by war.

87. Mainstreaming child protection in peace agreements paves the way for the development of time-bound measures to address the needs of conflict-affected children. Where a previous action plan exists, a peace process can offer an opportunity to revitalize commitments and accelerate its implementation. The Special Representative strongly encourages Member States and other mediation

actors to take into account children's issues and concerns in their political efforts. In the light of their ongoing involvement in conflict prevention and mediation, regional organizations have an important role to play in championing children's rights and interests in peacemaking processes.

E. Strengthening national capacity to address violations against children

88. The continuing development of national legislation criminalizing violations against children is another encouraging gain for the children and armed conflict agenda and is often a direct result of the implementation of an action plan. In that regard, the Special Representative welcomes the efforts of the Governments of Chad, the Democratic Republic of the Congo and the Philippines and their notable progress on strengthening national legislation related to children and armed conflict during the reporting period.

89. Investigations, prosecutions and trials of adult perpetrators of grave violations against children have remained extremely rare overall, however. Ending impunity for grave violations is a crucial element in enforcing compliance by parties with international obligations to protect children. The weak capacity of justice systems in countries affected by conflict requires specific support to ensure institutional responses to the needs of children affected by armed conflict.

90. Therefore, even when adequate legal and policy frameworks to protect children exist, they seldom translate into effective legal protection. To ensure that violations against children are addressed, rule of law programming and justice sector reform initiatives should include a short-term focus on creating a rapid response capacity in the criminal justice system. Swift accountability for violations against children is not only an important deterrent to ongoing violations, but also contributes to fostering a culture of national reconciliation in the longer term.

91. The United Nations and its partners continue to have an important role to play in this regard by ensuring that the legal protection of children is adequately taken into account when planning and funding capacity-building efforts in the area of reforming the justice sector.

F. Arms Trade Treaty and opportunities for child protection

92. The adoption of the Arms Trade Treaty by the General Assembly in its resolution 67/234 B in April constitutes an important opportunity for child protection. There is long-standing awareness of the link between the global trade in conventional weapons, including small arms and light weapons, and grave violations committed against children in conflict situations. A growing body of evidence demonstrates that the widespread availability of small arms and light weapons, fostered by the inadequate regulation of the global arms trade, exacerbates conflicts and disproportionately affects children. Solid evidence also exists of the correlation between the proliferation of small arms and light weapons and the widespread practice of recruitment and use of children in conflict.

93. Significantly, the Treaty recognizes the link between the arms trade and the effects of conflict on children. Small arms and light weapons fall under the scope of

the Treaty, and ammunition/munitions and parts and components are covered by its prohibition and export assessment provisions. The entry into force of the Treaty has the potential to generate a positive long-term impact on the situation of children in conflict. It forbids the transfer of arms that could be used in the commission of attacks directed against civilians, including children, grave breaches of international humanitarian law and war crimes defined by international agreements to which a State is a party, such as the crime of child recruitment under the Rome Statute of the International Criminal Court. Furthermore, under the Treaty's export assessment provisions, exporting States are requested to assess whether arms transfers would directly or indirectly lead to serious acts of violence against women and children, including killing and maiming, but also recruitment and use and, if an overriding risk is identified, to refrain from them.

94. The Arms Trade Treaty, if duly enforced, has the potential to curb the recruitment and use of children in conflict through the prohibition of arms sales to States parties that engage in child recruitment, falling in line with the long-standing interpretation of the Committee on the Rights of the Child of States parties' obligations to do so under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Treaty's contribution to reducing the plight of children in conflict can thus be understood as being twofold: seeking to curb both armed violence against children and the recruitment and use of children.

V. Recommendations

95. **The Special Representative urges Member States that have not done so to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to enact effective national legislation and policies to criminalize the recruitment and use of children by armed forces. She calls upon the international community to support those efforts, including by providing the necessary technical and financial support to concerned Member States to end the recruitment and use of children in armed forces.**

96. **In line with her initiative to end the recruitment and use of children by government armed forces in conflict by 2016, the Special Representative calls upon the Member States concerned to intensify their collaboration with the United Nations and other child protection actors and share best practices. In this regard, she calls upon donors to provide adequate and sustained funding for the implementation of action plans. She also calls upon those Member States that have not yet signed an action plan with the United Nations to do so without delay.**

97. **The Special Representative calls upon Member States, regional organizations and any other actors involved in peace processes to systematically mainstream children protection concerns by including specific child protection expertise in mediation teams and by integrating child protection provisions in ceasefire arrangements, political settlements, peace agreements and relevant implementation mechanisms. In this regard, she also encourages United Nations partners to work together to develop technical guidance.**

98. **The detention and prosecution of children, including for acts committed while associated with armed groups, should at all times remain a measure of last resort. The Special Representative calls upon Member States to seek alternatives to prosecution and detention for children, consistent with international juvenile justice standards.**

99. **Mindful of the severe effects that explosive weapons, including small arms and light weapons, have on children in armed conflict, the Special Representative urges all Member States to sign, ratify and swiftly implement the provisions of the Arms Trade Treaty. In particular, Member States are urged to ensure that the impact on children of arms transfers is systematically assessed and that child protection concerns are duly taken into account, in accordance with the Arms Trade Treaty.**

100. **To minimize their effects on children, drone strikes must be carried out in accordance with principles of precaution, distinction and proportionality. A transparent normative framework governing drone use must be put in place, recognizing the special status of children, with the aim of avoiding child casualties. The Special Representative calls upon Member States to review their policies and to make a greater effort to investigate incidents involving the killing and maiming of children.**

101. **Measures to address the structural causes of child recruitment must tackle social exclusion and provide children and youth with education and socioeconomic alternatives. At the national level, measures to reintegrate children must be systematically included in broader recovery and development strategies. The economic dimensions of preventing the recruitment of children and reintegrating them into society need to figure prominently in the peacebuilding, recovery and development agenda of international agencies and bilateral donors.**

102. **The Special Representative welcomes the draft Lucens guidelines to protect schools from being used by armed forces and groups for military purposes. She calls upon Member States to lead the way in supporting that process and in incorporating those principles into their national legislation and military guidance.**

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on minority issues, Rita Izsák, in accordance with Assembly resolution 66/166.

* A/68/150.

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Report of the Independent Expert on minority issues

Summary

The present report is submitted to the General Assembly by the Independent Expert on minority issues in accordance with Assembly resolution 66/166. It provides a brief overview of mandate activities since the submission of the previous report to the Assembly. The Independent Expert then focuses on minority rights-based approaches to the protection and promotion of the rights of religious minorities.

The Independent Expert considers that globally the rights of religious minorities are poorly implemented in practice, and that in all regions they face discrimination, social exclusion, marginalization and in many instances harassment, persecution and violence. The rights of religious minorities go beyond freedom of religion and belief and non-discrimination. The wider collective rights of religious minorities are frequently neglected by Governments. The Independent Expert considers that far greater attention must be given to the rights of religious minorities in the framework of minority rights, which require positive actions on the part of States to protect and promote their rights. A minority rights-based approach, based on the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, goes beyond non-discrimination and requires legislation, policies and concrete measures to create substantive equality in all areas of cultural, economic, political, public, religious and social life.

13-41869

I. Introduction

1. The mandate of the Independent Expert was created by the Commission on Human Rights in its resolution 2005/79 and renewed by the Human Rights Council in its resolutions 7/6 and 16/6. Rita Izsák was appointed Independent Expert on minority issues by the Human Rights Council and assumed her functions on 1 August 2011.

2. The Human Rights Council has requested the Independent Expert, inter alia, to promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereinafter "the Declaration"),[1] including through consultations with Governments and taking into account existing international standards and national legislation concerning minorities. The Independent Expert wishes to thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) and Nazila Ghanea for their assistance in the preparation of the present report.

3. In section II, the Independent Expert provides a brief overview of her activities since the submission of her previous report to the General Assembly (A/67/293). Section III focuses on the need for minority rights-based approaches to the protection and promotion of the rights of religious minorities, and Section IV provides conclusions and recommendations in this regard.

II. Activities of the Independent Expert

4. The Independent Expert has undertaken numerous activities to fulfil her mandate during the reporting period, including consultations with States, non-governmental organizations and minority communities from all regions. A detailed consideration of her activities will be provided in her next report to the Human Rights Council.

A. Country visits

5. The Independent Expert visited Bosnia and Herzegovina (17-25 September 2012). Her visit report (A/HRC/22/49/Add.1) was presented to the Human Rights Council in March 2013 at its twenty-second session. She thanks the Government and the many officials whom she met, as well as representatives of international and national organizations and civil society, for the excellent cooperation they extended to her. She hopes that her recommendations will be implemented and contribute towards the protection of minority rights and efforts to achieve social cohesion across diverse communities.

6. The Independent Expert thanks the Government of Cameroon for extending an invitation for her to visit from 2 to 11 September 2013. She also thanks the Government of Nigeria for agreeing, in principle, for a country visit in 2013. Additional country visits are currently being scheduled, and updated information is available on the website of the Office of the United Nations High Commissioner for Human Rights (http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx).

[1] General Assembly resolution 47/135, annex.

B. Communications

7. The Independent Expert receives information from diverse sources about human rights violations perpetrated against national, ethnic, religious and linguistic minorities. She has regularly sent communications — letters of allegation and urgent action letters — to Member States relating to a wide variety of minority issues and allegations. Those communications are publicly available, together with responses received from concerned Governments, in the special procedures communications reports. She notes with particular concern the number of allegations of violations of the rights and security of religious minorities.

C. Forum on Minority Issues

8. The Independent Expert is required by Human Rights Council resolution 19/23 to guide the work of the Forum on Minority Issues and prepare its annual meeting. The fifth session of the Forum was held on 27 and 28 November 2012. To mark the twentieth anniversary of the adoption of the Declaration, the Forum focused on practical and concrete measures and recommendations aimed at ensuring its implementation in practice. The more than 400 participants included representatives of Governments, minority communities, United Nations specialized agencies, regional intergovernmental bodies, national human rights institutions and civil society. The recommendations of the Forum (A/HRC/22/60) are available from http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session5.aspx.

9. The sixth session of the Forum will take place on 26 and 27 November 2013, with a thematic focus on "Beyond freedom of religion or belief: guaranteeing the rights of religious minorities" (see http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session6.aspx). It will give a high priority to the identification of positive and effective practices that have been implemented by countries in different regions to protect and promote the rights of persons belonging to religious minorities. The present report will contribute to and inform the discussions within the Forum.

III. Minority rights-based approaches to the protection and promotion of the rights of religious minorities

A. Introduction

10. In all regions of the world, persons belonging to religious minorities face daily human rights violations. These range from violations of their individual rights and discrimination on the basis of their religious or belief identities to attacks on their community activities and violence against them, their places of worship or homes. They are targeted on the basis of discriminatory national laws and as State policy, and they suffer violations resulting from the disparate impact of apparently neutral laws, from the actions of non-State actors and from the impact of intercommunal tensions. There are millions of persons belonging to religious minorities globally who suffer human rights violations from birth until death.

11. The Expert is deeply concerned about information that she receives from religious minorities that reveals widespread violations of their civil, cultural,

economic, political and social rights. Analysis of the communications reports of Special Procedures since 2011[2] reveals violations including: limits on, and the denial of, registration; fining owing to the possession of religious literature and bans on that literature; refusing to allow preaching without permits; prohibiting religious activity and restrictions on the right to assemble, worship and practice; forced re-education and the denial of access to education; arrest, arbitrary detention, imprisonment and prosecution of conscientious objectors; the closure of monasteries and the refusal of permission to renovate or construct places of worship; the destruction of religious property, historic sites and graves; disbanding religious gatherings; and prohibiting the observance of religious holidays and celebrations.

12. The communications reports also reveal acts of harassment, intimidation, violence and sexual abuse, including: threats against activists and lawyers who represent religious minorities; attempts at forcible conversion or recantation under threat of death; threats, interrogation, abduction and kidnapping; deportation, expulsion, disappearances and death threats; forced labour and torture in order to obtain false confessions; searches and raids of homes, and confiscation of property; hate-motivated attacks on property; and mob violence, suicide bombings and execution.

13. The Pew Research Center has observed that harassment or intimidation of specific religious groups occurred in 160 countries in 2011, the same number as in the year ending in mid-2010. Based on a five-year study, it found that religious groups had been harassed in a total of 185 countries at one time or another over this period.[3] The weight of information received by the Independent Expert and the extent and nature of rights violations, including violations of minority rights, suggest that some States continue to pursue an intentional policy of discrimination, persecution and violations against persons belonging to religious minorities.

14. The violations faced by religious minorities lie at the intersection of a number of realities, including the State's religion or ideology relationship, the State's demographic makeup, the constitutional and legislative framework, the personal status laws, intercommunal relationships and the role of non-State actors — each of them and their combined effect have a profound impact on the human rights situation of religious minorities. Historical, geopolitical and inter-State factors may in some cases exacerbate the discrimination, exclusion and vulnerability experienced by religious minorities. National and international human rights responses to the challenges faced by religious minorities must seek to uphold their equal enjoyment of international human rights, including through the protection and promotion of minority rights.

15. International standards require the enjoyment on an equal basis of all human rights by all.[4] However, many State religion and State ideology relationships result

[2] The communications reports of Special Procedures since the eighteenth session of the Human Rights Council (A/HRC/18/51 and Corr.1; A/HRC/19/44; A/HRC/20/30; A/HRC/21/49; A/HRC/22/67 and Corrs.1 and 2; A/HRC/23/51) include 46 communications in relation to 22 States from all regions regarding violations of the rights of religious minorities that are particularly relevant to this report.

[3] See Pew Research Center, Religion and Public Life Project, study entitled "Arab Spring Adds to Global Restrictions on Religion", 20 June 2013, available from http://www.pewforum.org/2013/06/20/arab-spring-restrictions-on-religion-findings.aspx#changesgr.

[4] See Human Rights Committee, General comment No. 22 (48) (art. 18) (CCPR/C/21/Rev.1/Add.4, para. 9).

in discrimination and violations against religious minorities. Some States have discriminatory provisions enshrined in their constitutional, civil and criminal laws that have a severe impact on religious minorities. Violations do not exist solely in States in which the Government and its institutions are linked to the predominant religion. Some States that declare a secular position are also highly intolerant of religious or belief communities, their associations, activities and manifestations. Although such States may strike some level of coexistence with the majority religion, they are often negligent or dismissive of their human rights duties towards religious minorities. Respect for the rights of religious minorities does not, therefore, automatically flow from any specific model of State religion or ideology.

16. Insufficient attention paid to the group rights of religious minorities results in experiences of discrimination, exclusion and marginalization and creates and perpetuates discriminatory conditions under which religious minorities are made vulnerable. Religious minorities are frequently national, ethnic or linguistic minorities. Discrimination against them may be compounded, intersectional and based not only on their religious identity, but also on their ethnic and linguistic identity, and perceptions of them as "other" or not fully belonging.

17. Where patterns of violations against minorities are long established, there is a risk that the international community may view such tensions as intractable. This is particularly the case with religious minorities, the violations of whose rights may be considered an inevitable consequence of a particular State religion or State ideology. States with a shared State religion or ideology pattern may be blind to such violations, and other States may be reluctant to intervene. International human rights law needs to reclaim the full equality of religious minorities and not concede their human rights as part and parcel of particular power or demographic relations.

18. Consideration of minority issues must necessarily also examine challenges that exist within or emanate from religious minorities, and the fact that discriminatory attitudes or established perceptions exist in both majority and minority communities. Such attitudes may lead, for example, to isolationist tendencies on the part of minorities, hampering their full integration and participation in all aspects of society.

B. Methodology

19. The Independent Expert's evaluation of minority issues is based on the Declaration and other relevant international standards. She identifies four broad areas of global concern: (a) the protection of a minority's existence, including combating violence against them and preventing genocide; (b) the protection and promotion of the identity of minority groups and their right to enjoy their collective identity and to reject forced assimilation; (c) the guarantee of the rights to non-discrimination and equality, including the ending of structural or systemic discrimination and the promotion of affirmative action when required; and (d) the right to effective participation in public life and decisions that affect them.

20. The Independent Expert carried out a questionnaire-based survey that was sent to United Nations Member States (April-June 2013). The questionnaire focused on the identification of challenges and positive practices for the protection and promotion of the rights of religious minorities, including the identification of initiatives in the area of interfaith dialogue and the promotion of understanding and harmonious relations

between those of different faith groups. She thanks the 32 States[5] that have responded to date and has sought to reflect elements of those responses in the present report.

21. The present report complements and supplements the excellent work undertaken by the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, which has addressed challenges to freedom of religion experienced by religious minorities. The Independent Expert particularly welcomes the report of the Special Rapporteur on freedom of religion or belief (A/HRC/22/51), which addressed the protection of the freedom of religion or belief of persons belonging to religious minorities, with a focus on conceptual clarifications and violations — both multifaceted motives and settings of violations and specific areas of violations against religious minorities.

22. The Independent Expert participated in an expert seminar on enhancing the effectiveness of international, regional and national human rights mechanisms in protecting and promoting the rights of religious minorities, which was held at the Vienna Diplomatic Academy on 22 and 23 May 2012. The seminar was hosted by the Government of Austria and was organized with OHCHR as part of the activities marking the twentieth anniversary of the adoption of the Declaration.

23. On 19 and 20 November 2012, the Independent Expert participated in an event in Doha on the theme "Reflections on the inclusion of human rights in the process of constitutional reforms in the region of the Middle East and North Africa", organized by OHCHR. She highlighted the fact that implementation of the Declaration should be strengthened in the region and that strong provisions for minority rights in constitutions and national law are important components of protection.

24. The Independent Expert participated in a conference organized by the Ministry of Foreign Affairs of Norway on the theme "Right-wing Extremism and Hate Crime: Minorities under Pressure in Europe and Beyond", held in Oslo on 14 and 15 May 2013. She shared her concerns about rising extremism and racism against religious minorities, including Muslims and Jews in Europe, and the need for increased protection of minorities who are often unable to effectively defend themselves without the active involvement and support of the State.

25. The Independent Expert held a two-day expert consultation in Geneva in June 2013, which addressed challenges and rights violations experienced by religious minorities. Participants included representatives of United Nations Member States and representatives of civil society organizations and religious minorities. The workshop identified national, regional and international laws, policies, programmes, initiatives and practices for the protection of the rights of religious minorities.

26. The Independent Expert adopts an inclusive approach to which groups fall within the scope of "religious minority". She is guided by the Human Rights Committee's General Comment 23 (50) (art. 27) which emphasizes that the existence of an ethnic, religious or linguistic minority in a given State party does not depend upon a decision by that State party but is required to be established by objective criteria (see CCPR/C/21/Rev.1/Add.5, para. 5.2). She recognizes the right

[5] Argentina, Austria, Australia, Bosnia and Herzegovina, Bulgaria, China, Cuba, Denmark, Estonia, Guatemala, Iraq, Islamic Republic of Iran, Italy, Jordan, Latvia, Lithuania, Luxembourg, Mauritius, Mexico, Mongolia, Montenegro, Oman, Pakistan, Paraguay, Poland, the Republic of Moldova, Serbia, Slovakia, Spain, Switzerland, Thailand and Ukraine.

to self-identify as belonging to a religious minority or not to do so, and does not limit her attention to officially recognized groups. Consequently, references to "religious minorities" encompass a broad range of religious or belief communities, traditional and non-traditional, whether recognized by the State or not, and include more recently established faith or belief groups that seek the protection of their rights under minority rights standards. Non-believers, atheists or agnostics may also face challenges and discrimination and require protection of their rights.

C. Considerations on the rights of religious minorities under international law

27. International human rights standards have been built on the foundation of non-discrimination. The premise of the Universal Declaration of Human Rights is that everyone should enjoy their rights "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (art. 2). The insistence on non-discrimination and equal enjoyment of human rights serves as the uncompromising premise of all subsequent norms in all human rights treaties and declarations. Enjoyment without discrimination also serves as the whole rationale behind minority rights.

28. While clearly falling within the scope of the 1992 Declaration on Minorities, which explicitly provides for four categories of minority groups (national, ethnic, religious and linguistic), attention to religious minorities has frequently historically fallen under international standards relevant to freedom of religion and belief.

29. The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (see General Assembly resolution 36/55) does not explicitly mention religious minorities. However, it establishes non-discrimination and equality as key principles. Article 2, paragraph 1, stresses that no one shall be subject to discrimination by any State, institution, group of persons or person on the grounds of religion or belief. Article 3 clearly establishes that discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations.

30. Article 27 of the International Covenant on Civil and Political Rights (see General Assembly resolution 2200 A (XXI), annex) provides that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language. Article 27, which is the most important, is a legally binding treaty provision dedicated to minorities. Its scope extends beyond freedom of religion or belief, while fully preserving the substance of the provisions of article 18 on freedom of thought, conscience and religion. Nazila Ghanea, however, has pointed out the dearth of consideration of religious minorities as minorities in the jurisprudence of the Human Rights Committee on article 27 and their overall exclusion to date from consideration under article 27.[6]

[6] Nazila Ghanea, "Are Religious Minorities Really Minorities?", *Oxford Journal of Law and Religion*, Vol. 1, No. 1 (2012), pp. 57-79.

31. The Declaration on Minorities, inspired by article 27 of the International Covenant on Civil and Political Rights, establishes the responsibility of States to ensure the protection of minority religious identity. However, importantly, it goes much further in its scope and elaborates positive requirements for the protection of minority group rights beyond freedom of religion and religious identity. Article 1, paragraph 1, establishes that States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. Article 1, paragraph 2, requires a positive obligation on States to adopt appropriate legislative and other measures to achieve those ends. Throughout the Declaration, the positive obligations of States to protect and promote minority rights are emphasized.

32. Article 2 outlines that minorities have the right to establish and maintain their own associations (art. 2, para. 4); and to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related (art. 2, para. 5). Article 2 underscores the right to participate effectively in cultural, religious, social, economic and public life and to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live.

33. Positive obligations of States are further emphasized in the requirement for States to take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs (art. 4, para. 2). States are also called upon to take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory (art. 4, para. 4). Article 5 requires national policies and programmes to be planned and implemented with due regard for the legitimate interests of persons belonging to minorities, as well as programmes of cooperation and assistance among States.

34. A minority rights-based approach to the protection of the rights of religious minorities is an obligation of all States. Minority rights require a broad protection of the culture, languages, traditions and customs of religious minorities and understanding of leadership and customary law structures that might result, for example, in consideration of special or autonomous arrangements. It requires the State to take positive measures both in respect to the rights of minorities to enjoy and practise their religion and all aspects of their identity, and also in respect to their equal place in society and their ability to participate fully in economic, political and social life.

35. The scope of both minority rights and freedom of religion or belief is wide and inclusive. This is clear from the relevant norms enshrined in articles 18 and 27 of the International Covenant on Civil and Political Rights as well as the related General Comments 22 and 23 of the Human Rights Committee relating to the right to freedom of thought, conscience and religion and minority rights, respectively. Minorities are to enjoy culture, religion and language, and freedom of religion or belief is to include manifestation in "worship, observance, practice and teaching". This scope is also upheld in other instruments such as articles 14 and 30 of the

Convention on the Rights of the Child.[7] Those standards therefore call upon States to seek to allow for and actively facilitate the adequate functioning of religious minorities in all their related activities.

36. The Human Rights Committee has recognized that the situation of "non-traditional" minority religions and beliefs gives cause for concern and has noted a tendency to discriminate against newly established religious and belief groups,[8] and hostility against them. Consequently, in its General Comment 22, the Committee stressed that the terms "belief" and "religion" should be broadly construed and that application of article 18 of the International Covenant on Civil and Political Rights must not be limited to traditional or predominant religions. The State must therefore also ensure non-discrimination and equal enjoyment of human rights for smaller, dispersed or newly arrived religious communities.

37. Understood and implemented in human rights terms, minority rights aim to guarantee equality, not to provide privileges. Minority rights ensure equality for persons and communities who share characteristics they wish to maintain along with others, but which are held by those who are not dominant in terms of numbers or power. Even among those States that support minority rights, there may be a particular challenge entailed in relating minority rights standards to religious minorities. Even legal regimes that allow for religious pluralism but do not take account of minority status may fall short of the positive obligations that are owing to and required by religious minorities.

38. Some States either lack adequate legislation for the protection of the rights of religious minorities or limit the applicability of legislation to a few recognized religious groups. Other States have laws and policies in place that should facilitate the full range of religious minority activities, in private, in public and in community with others. Non-discrimination legislation is also frequently in place that should provide a platform to ensure equal treatment of all, including religious minorities, in such key areas as education, employment, access to goods and services, and access to judicial remedy. However, even where such legislation exists, in practice it is frequently poorly implemented or monitored.

39. At the regional level, some positive practice exists, for example the European Union Employment Equality Directive, adopted in 2000, which requires Member States to protect against discrimination on the grounds of religion or belief in employment, occupation and vocational training. All Member States were required to transpose the Directive into domestic law by 2 December 2003 and monitor and report on its implementation. Such developments are to be welcomed as concrete steps towards ensuring the rights of religious minorities. However, implementation at the national level remains problematic in some States. Strengthening regional provisions and monitoring for the protection of religious minorities in all regions would provide a valuable impetus for States to improve legislation and policy and practice.

40. Recent United Nations attention to religious minorities reflects the seriousness of their situation worldwide. On 22 March 2012, the Human Rights Council adopted

[7] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[8] See communications reports of Special Procedures, A/HRC/22/67, p. 17, UZB6/2012, regarding alleged imminent deportation and revocation of residence permit owing to the sharing of beliefs with an interested person, possession of religious literature and "illegal religious activity".

resolution 19/8 on freedom of religion or belief, which emphasizes the responsibility of all States to promote and protect the rights of religious minorities. It highlights the fact that frequently they are adversely affected by negative stereotypes and face violence and the impact of religious extremism. It condemns violence and acts of terrorism and calls on States to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator. It urges States to promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging a wider knowledge of the history, traditions, languages and cultures of religious minorities.

D. Essential elements of a minority rights-based approach to protection of the rights of religious minorities

41. Based on the four pillars of minority rights concern — protection of existence, protection and promotion of identity, non-discrimination and equality, and participation in public life — the Independent Expert highlights below a number of issues with regard to the rights of religious minorities and areas of concern that require particular attention by States, regional bodies and the international human rights regime. Those issues are not exhaustive, and space constraints preclude a full discussion.

1. Mapping, understanding and gathering data on religious minorities

42. To respond appropriately to the rights and needs of religious minorities requires a comprehensive knowledge of religious diversity and minority communities. However, information suggests that many States are not well aware of the picture of their religious minorities and lack a full understanding of their numerical size, distribution, socioeconomic conditions relative to other groups, and the challenges that their members face. A full picture of the religious and belief diversity relies primarily on self-identification by concerned persons. It should include all religions, not only those listed in the constitution, specified in a closed list by the Government, or recognized by the theology or ideology to which the State associates itself.

43. A full picture requires up-to-date disaggregated data, research by national statistical bodies, academia or civil society actors. This should be updated regularly in order to pick up on changes to birth rates, migration flows and patterns of belief. Research should be sophisticated enough to reveal the different situations of women, young people and others who may face particular challenges. It should include beliefs as well as religions. As a basic minimum standard, regular census surveys should include voluntary questions on religion that allow individuals to self-identify and that provide a valuable resource for deeper statistical analysis.

44. The reality of minorities within minorities and the centrality of self-definition should not be neglected. Religious minorities may be characterized by both unity and diversity, by obedience and solidarity, as well as by multiple and emerging histories. Diversities of nomenclatures, self-ascriptions of terms to describe the group or its practices, the multiplicity of groups that share holy figures or sites of significance, those all need to be acknowledged. The complexity of arising issues cannot be ignored away. Further, the ignorance of the public at large regarding the

variety of groups and values under a particular religion or belief "header" and their demographic profile needs to be challenged.

2. Equal citizenship

45. Certain religious minorities unfortunately experience denial or deprivation of citizenship as a policy of discrimination, partly or wholly on the grounds of their religion or belief, with severe implications for the enjoyment of all their human rights (see A/HRC/7/23, paras. 49-70, and A/63/161, paras. 25-78). Unless legitimate grounds exist, in line with international standards, non-discrimination obligations demand that citizenship be granted on an equal basis to all.

46. In Rakhine State in Myanmar, for example, an estimated 800,000 Rohingya Muslims are not recognized as citizens of the majority Buddhist State despite the community having been resident in the country for generations. Effectively stateless persons, they have faced systematic violation of their rights in all walks of life, including their participation in economic, political and social life. Violence between Buddhists and Rohingya in 2012 resulted in the displacement of tens of thousands of Rohingya and some Buddhists to camps for internally displaced persons. Denial of full citizenship is considered a root cause of human rights violations against this religious minority community (see A/HRC/22/49).

47. The enjoyment of equal citizenship requires that religious minorities should enjoy all their rights in equality with other citizens, for example, to hold all posts within the jurisdiction of a State. This should include, for example, access to higher education and professional training as well as the highest posts within the State, the political leadership, educational institutions, the armed forces and in the media, and so on. Such equality may be in addition to the State having made the case for legitimate different treatment through quotas of seats or their representation at particular levels of Government. Quotas are not a concession or "privilege" that can absolve the State from issuing unequal citizenship to religious minorities.

3. Education

48. Religious minorities — like all minorities — should be able to educate their children about their beliefs, practices, history and culture. Positive practices result in educational environments that are welcoming and appropriate to those from diverse religious communities. However, the educational rights of religious minorities are routinely violated around the world. Minority children may be ridiculed and humiliated by school authorities. School texts may exclude reference to religious minorities or misrepresent historical facts about them. In extreme cases, such texts cruelly stereotype them, falsify their religious texts, or accuse them of being politically suspect. Religious minorities may be denied meaningful access to tertiary education owing to their religious affiliation,[9] thus denying them access to some professions.

49. The religion or belief of teachers, too, may have an impact on their employability and promotion. Pupils, teachers, parents and their respective

[9] Communications reports of Special Procedures, A/HRC/22/67, p. 165, IRN8/2011, regarding alleged arrests and arbitrary detention, raids and search of households, arrests and interrogation as part of a continuous effort to deny access to education to members of the Baha'i religious minority.

communities can be caught up in the consequences of those violations of general human rights and minority rights provisions. In numerous States, teaching and interaction with the younger generation is considered an influential position, one deemed too sensitive to trust a person belonging to a religious minority within Government schools. In some countries, they may be allowed to teach only in minority faith schools.

50. Schools may serve as sites for the perpetuation of a singular religious or ideological ideal, failing to take on board religious or belief diversity, erasing all symbols of such difference, and aiming to assimilate all into an (intolerant) national "unity". In some countries, regions or schools with diverse religious communities teach only the majority religion. For example, in Bosnia and Herzegovina, visited by the Independent Expert in 2012, Bosniak, Croat and Serb communities remain largely divided along religious and ethnic lines. Religious education is provided only in the majority religion and serves to reinforce differences and exacerbate divisions between young people and communities.

51. International norms insist upon non-discrimination on the basis of religion in relation to the enjoyment of economic, social and cultural rights, including in relation to the right to education. The four standards considered to be interrelated and essential features for implementation of the right to education[10] (availability, accessibility, acceptability and adaptability) are also relevant in terms of the availability of and access to education for religious minorities. Regarding the latter, the Human Rights Committee explained that the International Covenant on Civil and Political Rights permits public school instruction in subjects such as the general history of religions and ethics if it is given in a neutral and objective way, whereas public education that includes instruction in a particular religion or belief is inconsistent with article 18.4 unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians (see CCPR/C/21/Rev.1/Add.5, para. 6).

4. Access to justice

52. Religious minorities are frequently denied equality of the law and equality before the law in courts that are guided by overtly discriminatory constitutional and other legal provisions. Such laws may grant them second-class status, or no legal recognition whatsoever. In some jurisdictions, religious minorities may be classified in law or in the perception of law enforcement bodies as infidels, separatists, suspect terrorists or non-protected persons, which renders their community rights non-existent. Conversion to a religion or belief that is undesirable in the view of the State may lead to the "civil death" of those persons.

53. Religious minorities should always be able to avail themselves of complaints procedures and civil remedies in the courts. Nevertheless, barriers often exist to their access to justice, which must be addressed. Minorities may be reluctant to bring complaints to the police owing to hostility or the reluctance of authorities to receive their complaints, or general poor relations of religious minorities with law enforcement bodies. Women may face particular problems or anxiety in bringing complaints. Where the courts are, or are perceived to be, highly influenced by the

[10] See reports of the Special Rapporteur on the right to education and General Comment 13 of the Committee on Economic, Social and Cultural Rights.

dominant State religion, minorities may feel that such justice bodies are inappropriate to their needs, especially where national laws discriminate against them. Religiously diverse societies should take steps to ensure that religious minorities are represented in law enforcement bodies and the judiciary and that, where appropriate, training or special judicial mechanisms that meet the needs of religious minorities are put in place.

54. In numerous States, the recognition of a number of personal status law codes locks religious minorities into systems of laws that may have negative implications for the enjoyment of their rights. Such laws may not allow them, for example, to marry outside their religion. They may oblige them to accept the polygamy of their partner, and they may disinherit them should one of their siblings choose to convert into a particular religion. Such laws may rob them of the opportunity to gain custody of their children on grounds of their remarriage, or their children might automatically be taken away from them at particular ages if they are divorced. Some laws may give religious minorities no option to apply for divorce or may force them to make enormous financial sacrifices in order to obtain a divorce.

55. All of the above might be forced upon them on the grounds that it is "respectful" of the laws of their religion, but may do so without asking them what their religion or belief is, how they interpret it and which legal system they ascribe to. Most worryingly, it may do so without giving them any opportunity for a civil alternative, any option for exit from such legal provisions and, indeed, no opportunity for adopting or changing their religion or belief. The State should not only be mindful of these vast arenas of discrimination, which may indeed have a coercive impact on the freedom to hold religion or belief,[11] but needs to ensure that it fulfils its due diligence obligations with respect to all such violations. This includes obligations with respect to violations that may result from the actions of non-State actors,[12] and violations that may primarily occur in the private sphere.

5. Women and girls belonging to religious minority communities

56. Women frequently experience multiple or intersecting forms of discrimination emanating from their status as members of religious minorities and as women or girls. This may make women and girls belonging to religious minorities particularly vulnerable to violations of their rights in both public and private life.[13] Women from religious minorities are often particularly poorly represented in public, economic and political life, and efforts should be made to encourage and facilitate their participation and integration in all walks of life.

57. Barriers to the full enjoyment of their rights may exist owing both to discrimination in wider society and to factors such as strictly defined gender roles within minority communities. Recent debates regarding the accommodation of religious dress, particularly for women in the workplace, have had an impact on the ability of some minority women to access labour markets or even public services.

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[11] Article 18, paragraph 2, of the International Covenant on Civil and Political Rights states that no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

[12] Communications reports of Special Procedures, A/HRC/22/67, p. 25, KGZ4/2012, regarding alleged destruction, arson attack and looting of a religious centre by mobs.

[13] Communications reports of Special Procedures, A/HRC/23/51, p. 62, IRQ1/2013, regarding alleged abduction of a minor girl, forced marriage and forced conversion.

While offering general recognition and respect for the religious and cultural practices and traditions of minorities, it is the responsibility of Government and minorities alike to ensure that those practices and traditions do not contravene the human rights of any individual.

58. An intersectional and claimant-centred approach is important to protect the rights of women belonging to religious minorities. Women should not be externally compelled, in seeking remedies for violations, to choose from among their religion, their community and their rights. The authorities should seek to respond to the situation in a manner that upholds women's agency, utilizes dispute resolution procedures where appropriate, and is sensitive to intersectional belonging in the way that those women freely define it. The fourth session of the Forum on Minority Issues, which was held in November 2011, was dedicated to the theme "guaranteeing the rights of minority women and girls"[14] and produced concrete recommendations to protect the rights of minority women and girls.

6. Recognition and registration

59. Where they are fully recognized as distinct religious communities with specific needs and equal rights, religious minorities may find an enabling and non-discriminatory environment that facilitates and ensures their minority rights. Where religious communities are not recognized, severe barriers may exist for them not only in terms of their right to practise their religion freely, but also in their ability to participate fully and equally in all aspects of society. The requirements of religion, for example with regard to the establishment or renovation of places of worship, administrative offices, religious community centres or associations and the establishment of service providers for specific dietary or other requirements, mean that recognition is particularly important.

60. Many States have established registration processes in order for religious communities to be able to become legally recognized and benefit from legal and policy measures enabling them to manage their communal activities. However, some States base recognition on historical provisions and structures and consequently grant recognition to only a few religious minorities present in the State.[15] States with a dominant State-religion relationship may be strongly influenced by that religion's dictates regarding which religious minorities are officially recognized and which are not. States with a dominant State-ideology relationship or secular States alike may not understand the range of community activities associated with religious minority "existence and continuity" and, whether intentionally or otherwise, may restrict the legitimate enjoyment of related rights.

61. It is essential to ensure that all procedures for registration are accessible, inclusive, non-discriminatory and not unduly burdensome.[16] Registration procedures designed to limit beneficiaries due to political or social intolerance run afoul of human rights standards. Those intended to exclude non-traditional religions or

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[14] See http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session4.aspx.

[15] This contrasts with the view of the Human Rights Committee, which insists that "existence" does not depend on the decision of States parties but is required to be established by objective criteria (see CCPR/C/21/Rev.1/Add.5, para. 5.2).

[16] Communications reports of Special Procedures, A/HRC/19/44, p. 35, HUN2/2011, regarding alleged draft bill requiring re-registration and severely restricting qualification for "religious communities" rather than "religious organizations".

beliefs — pertaining, for example, to newer communities, migrants, or new religious movements — also contravene human rights standards and result in undue restrictions on rights. Both those objectives may be owing to the prevalence of discrimination against particular religious minorities. Freedom of religion or belief has a status prior and independent of any administrative recognition procedures, and religious minorities should be respected in their freedom of religion or belief even without any registration.

62. Some States demand the declaration of religious affiliation on identity cards and other official documentation. The enjoyment of rights may then be precariously conditional on ascription to a closed list of particular religions or be utilized to ensure the impossibility of conversion and the denial of the existence of any other beliefs. Refusal to abide by such requirements may result in the denial of a number of basic rights: from the registration of births, marriages and deaths; school and university entrance; obtaining passports, driving licences, bank accounts and property; access to health provisions; and so on. The restrictions amount to violations that destroy the very foundations of minority rights. Compelling people to identify religion or belief on official documents undermines the explicit assertion developed by the United Nations Human Rights Committee that no one can be compelled to reveal his thoughts or adherence to a religion or belief.[17]

63. Recognition and non-discriminatory registration may prove essential to the maintenance of religious identity. For example, teaching religion or belief requires the State to not criminalize or restrict the teaching or proselytizing of religion or belief and for any limitations to be strictly within the legal limitations outlined in article 18, paragraph 3 of the International Covenant on Civil and Political Rights. Charitable activities, for example, require sufficient recognition to allow the group to legally gather and hold such events. Respect for the appointment and election of leaders requires non-interference on the part of the State and some recognition of the appointment or election system in terms of recognition of the relevant leader(s) or spokesperson(s) as a representative of that community.

7. Legislative protection

64. The Declaration calls upon States to undertake a range of efforts in creating an environment for the enjoyment of minority rights, including through the adoption of appropriate legislative and other measures (art. 1, para. 2). Domestic minority rights and anti-discrimination legislation is essential to the full implementation of standards at the national level. While an increasing number of countries may have anti-discrimination provisions in law, many still do not, and even where laws do exist, minority rights provisions are frequently excluded, restrictive or weak and poorly enforced.

65. Religious minorities should be able to avail themselves of universal human rights provisions relating to equality of the law and equality before the law. In addition, they should be able to avail themselves of freedom of religion or belief rights and non-discrimination on the basis of religion or belief. As part of minority rights, religious minorities should also have access to further legislative protections aimed at ensuring the survival and continued development of their religious,

[17] See CCPR/C/21/Rev.1/Add.4, para. 3; see also A/63/161, paras. 45-54 and 75-78.

cultural[18] and ethnic characteristics. However, religious minorities are routinely denied access to those legislative provisions. Indeed, in some States it is imperative that existing constitutions and laws be reviewed and amended in order to abolish discriminatory provisions that have direct or indirect negative impact on religious minorities.

66. The State also has due diligence obligations with regard to the enjoyment of human rights. Those obligations relate to preventing violations and protecting persons from them. When violations have occurred, the State has the obligation to appropriately investigate, to compensate victims and to exert serious efforts to prevent repetition. The prevention of violations relates to those carried out by non-State actors and even in the private sphere.

67. The Independent Expert, in her previous report (A/67/293) highlighted the fact that institutional attention to the rights of minorities is the logical next step from legislation to implementation and positive action, and is essential for the protection and promotion of minority rights. Relevant governmental ministries, national human rights institutions and other national bodies as well as civil society groups should institutionalize expertise on minority issues and minority rights as a means of promoting action and minority rights implementation. For religious minorities this may include such components as specific sections, units or departments with responsibility in areas related to religious minorities or, at a minimum, the recruitment of appropriate experts and advisers from religious minority communities to act in advisory capacities.

8. Participation

68. The imperative for the participation of religious minorities is upheld in the Declaration, which calls upon the State to enable minorities to "participate effectively in cultural, religious, social, economic and public life" (art. 2, para. 2), to "participate effectively in decisions on the national and, where appropriate, regional level" (art. 2, para. 3); and highlights that "States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country" (art. 4, para. 5).

69. Despite those provisions, evidence from all regions indicates that religious minorities may face particular and persistent barriers to their participation in all aspects of civil, cultural, economic, social, political and public life. Long-standing patterns of discrimination and unequal treatment may gradually lead to religious minorities themselves internalizing their status as "others". This may lead to an intergenerational burden of exclusion, which is highly prevalent in many States and may lead to a lack of engagement of religious minorities with wider society and public life that is counter to the objective of positive integration.

70. Religious minorities should consider strategies for constructive resilience in the face of persecution and project a positive role in their rehabilitation as equals in society where possible. This does not absolve States of their responsibility, but can nevertheless precipitate positive social developments in society at large. Indeed, Governments should lead by example by adopting measures, including affirmative

[18] Communications reports of Special Procedures, A/HRC/22/67, p. 68, CHN8/2012, regarding alleged forbidding of the marking of certain religious holidays and celebrations, arrest of pilgrims and undermining of culture and expression.

action measures where necessary, to ensure that public employers reflect the religious diversity in society.

9. Role of the media

71. The media are key in shaping societal perceptions, and their often negative role in relation to minorities, and particularly religious minorities, is frequently cited. Participation in the mainstream media for religious minorities is essential. Part of the rationale for facilitating access to the media for religious minorities is to allow them to communicate their views and counter the prejudices and stereotypes that wider society may hold. Another rationale is for religious minorities to contribute content and expertise to the media in order for others to learn about their communities. This knowledge supports social cohesion, counters political forces that wish to paint all religious minorities as lacking in loyalty or as extremists, and enriches the pluralism and diversity of societies.

72. In this context, the Rabat Plan of Action notes that States have the responsibility to ensure space for minorities to enjoy their fundamental rights and freedoms, for instance by facilitating registration and functioning of minority media organizations. States should strengthen the capacities of communities to access and express a range of views and information and embrace the healthy dialogue and debate that they can encompass.[19]

73. The media should also be mindful of who they select to represent religious minority voices. Too often the most intolerant — and often also least representative — so-called leaders are picked by the media, and this may lead to perceptions that those views are mainstream among religious minorities. It seems that mainstream and more grounded voices within the religious community concerned are not sensationalist enough for some programmes. Giving media time to fiery rhetoric, especially subsequent to intercommunal tensions or events, can be irresponsible and undermine years of investment by moderate elements in the advancement of community understanding and cohesion. Journalistic ethics can play an important role here, as would a well-developed and independent media monitoring body.

74. Minority representation in the media is one such key concern. The knowledge base of the public is often more limited concerning the culture, values and positions of minorities since they are commonly numerically smaller in number and are not the holders of power. It may be the case that outreach to minority communities is required to encourage participation, seek expertise and build trust, as well as to encourage those from minorities to take up opportunities provided by the media and to become active in producing and contributing to media content. In addition to such access to the mainstream media, minorities have the right to establish their own media and should be supported in efforts to do so.

75. Special consideration should be given to facilitating the right of reply for religious minorities. This should be regardless of the principle of the independence of the media, and regardless of whether it concerns the private or public media.

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[19] Reflecting the conclusions and recommendations emanating from four regional expert workshops organized by OHCHR in 2011, and adopted by experts in Rabat on 5 October 2012. See Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, A/HRC/22/17/Add.4, appendix.

When religious minority characteristics, affiliations or values are represented stereotypically in the media, the right of reply would allow the religious minorities concerned to challenge singular stereotypes and open up the debate. This is necessary not only for minority rights, but also for respect, harmony and coexistence in society at large. It can also ease community relations and promote understanding at the national and international levels. It can prevent misunderstandings from escalating and from racist political groups from exploiting such stereotypes.

76. Too often the media regrettably falls short of required norms and sometimes plays a negative role. Nevertheless, the media can play a significant role in overcoming derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, which is essential in order to ensure understanding and respect of those various groups. Positive examples include the production of factual programmes about and by religious minorities, positive news, and debate and discussion during prime viewing hours.

10. Consultation with minorities

77. For States to be able to fulfil their obligations under international human rights provisions, a first step must be for them to consult directly with the religious minorities. The most obvious reason for consultation lies in their very diversity. One of the very rationales of minority rights is that of disparate impact. A State may treat all its population equally, but this can result in serious negative consequences for religious minorities whose distinctive characteristics may require specific provisions, for example with regard to worship requirements, matters of conscience, dress or diet. Without including religious minorities in questions and decisions that concern them, their issues cannot be taken into consideration. Consultation with minorities constitutes a core requirement of human rights standards, including the Declaration.

78. Consultation must not be restricted to religious or community leaders who may constitute a frequently male and older profile, but should wherever possible include women, youth and others. Detailed knowledge of religious and belief minorities and consultation with them is required to facilitate their engagement in public life. Understanding the worldviews of religious minorities, their motivations and communitarian ideals, facilitates their inclusion in leadership positions, the media, the rank of the State's educationalists and role models, political and other public figures, lawyers, human rights defenders and armed forces.

11. Security and protection for religious minorities

79. The Independent Expert is deeply concerned by rising tides of violent attacks against religious minorities in all regions. Underlying the full enjoyment of rights by religious minorities is the imperative of the enjoyment of security. Article 1 of the Declaration requires that States shall protect the existence of minorities. The primary duty of States in relation to religious minorities is to protect their fundamental rights and security and ensure that State actors themselves are not contributing to the insecurity of those minorities.

80. Protection of the security of religious minorities requires numerous positive actions on the part of States, particularly in situations of ongoing conflict or in which tensions are heightened or historic conflicts or grievances have occurred. Such actions include active engagement with religious minorities, full understanding of their situations and security concerns, the monitoring of non-State actors that

might incite religious intolerance or violence, and the establishment of relevant oversight procedures and training programmes. In situations of conflicts involving religious minorities in which emergency laws, military courts or special security arrangements are in place, it is particularly necessary to ensure that the rights of religious minorities are protected in the context of those special security or emergency measures.

81. Information received from all regions regrettably reveals the far greater risks faced by religious minorities both in times of peace and during conflict and post-conflict contexts. Such persons may be individually targeted or face insecurity primarily during community activities. At the level of the group, violations include forced displacement and cultural cleansing of towns, villages and other territory from "impure" and "dehumanized" religious "others". In a world of increasing sectarianism, vigilance regarding the vulnerability of minorities within minorities and intra-religious or interdenominational tensions is also necessary.

82. Religious minorities often find themselves in conditions of structural vulnerability which can lead to a vicious circle that perpetuates discrimination, hostility, insecurity and violence. Oversight procedures over the security forces throughout the jurisdiction are required, particularly in border areas or areas with a larger religious minority presence. Training programmes need to ensure that State actors from the local level upwards are aware of the particular risks of insecurity faced by minorities.[20] An essential step is to put in place adequate legislation to address both acts of violence and incitement to religious and ethnic hatred and violence and to ensure that they are fully enforced in practice with appropriate penalties.

83. In some States, religious minorities may be at significantly greater risk of arbitrary arrest and detention on the basis of their religion, their religious or social functions or their activities to claim their rights or peacefully protest. Several communications by Special Procedures to States have been based on allegations regarding arrest and sentencing (including death sentences) of members of religious minorities on the grounds of their religion or legitimate religious or human rights activities. Information provided alleged that in such cases trials often do not comply with international standards of fair trial and due process. Another context of insecurity is the situation of religious minorities during incarceration. Standards upholding the freedom of religion or belief rights of prisoners must be upheld, as noted by the Human Rights Committee (see CCPR/C/21/Rev.1/Add.4, para. 8).

84. The Independent Expert is convinced of the usefulness of the role of minority rights protection and dedicated minority rights mechanisms in the prevention of conflict and the promotion of social stability. This is also enshrined in the Preamble of the Declaration, which reads "the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States". States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator. Failure to do so often leads to repeated and more severe violations.

[20] Communications reports of Special Procedures, A/HRC/22/67, p. 73, EGY11/2012 regarding alleged loss of homes and businesses by sectarian violence, firebombing and torching, deaths, fleeing in fear of revenge attacks, looting and lack of protection by security forces that were present.

85. The Minority Rights Group International has documented the impact of conflict and instability on religious minorities in Iraq, including Muslim minorities, Baha'is, Christians, Armenians, Chaldo-Assyrians, Faili Kurds, Palestinians, Jews, Sabean Mandaeans, Turkmen, Yazidis and others. The Group states that minorities in Iraq have continued to be targeted on the grounds of their religion or ethnicity since the United States-led invasion and fall of Saddam Hussein in 2003. They have suffered from killings, kidnappings, torture, harassment, forced conversions and the destruction of homes and property. Women have been subjected to rape and forced to wear *hijab*.[21] Persecution, human rights violations and targeted attacks have led to vast numbers of internally displaced persons and a mass exodus of some religious communities to neighbouring countries where they continue to experience challenges as religious minorities.

12. Dialogue and interfaith exchanges

86. The Independent Expert is encouraged by the variety of projects around the world that seek to advance understanding and respect between persons belonging to majorities and minorities. These are advanced by States, by the State in partnership with international agencies, by non-governmental organizations (NGOs), or by coalitions of State-NGO-religious community actors. States should take a facilitative role in the promotion of inclusive interreligious dialogue and interreligious projects in the advancement of understanding and interfaith exchanges.

87. Patterns of discrimination against religious minorities that have long become part of the fabric of societal norms need a particularly focused intervention by the State. The State has the duty to invest heavily in educating society about the need to acknowledge such patterns of discrimination and reform, thereby creating a new culture of human rights. This will not only benefit the minorities concerned but also strengthen society at large. The role of religious and political leaders in helping to build tolerant, inclusive societies and to initiate and support efforts and activities cannot be overstated. Such influential community and national figures should be at the forefront of dialogue and intercommunity cohesion efforts as well as publicly condemning incitement to hatred and violence. Too often such leaders remain silent or participate in or support anti-minority public discourse.

88. The creation of a culture of human rights and of respect and equal enjoyment of rights by all is key. This requires ongoing and concerted efforts as the religion-belief landscape in all societies is continuously in flux. Continued efforts are required that are focused especially, but not exclusively, on children and young adults who will shape the future of interfaith understanding and acceptance. Educational, political, policy and legal actors need to be engaged and responsive to those trends and respond to them in a concerted and active manner.

IV. Conclusions and recommendations

89. **Minority rights-based approaches require concrete policy measures and positive actions by the State to create substantive equality in all areas and to protect and promote the rights of religious minorities. The broad scope of**

[21] See p. 11 of the Minority Rights Group International report, available from http://www.minorityrights.org/11106/reports/iraqs-minorities.

international legal requirements for religious minorities contrasts sharply with the multiple restrictions that States impose and which even risk the viable continuity of religious minorities at the national level.

90. **The Independent Expert considers that an appropriate venue for the elaboration of detailed recommendations on the rights of religious minorities is the Forum on Minority Issues, which will focus on the issues of religious minorities during its sixth session, in November 2013. The Forum will benefit from the participation of governmental and non-governmental actors and minority experts, and will provide an inclusive opportunity for discussion of the issues and elaboration of recommendations.**

91. **The Independent Expert provides the following broad recommendations to national Governments and the international community:**

(a) **All States should fully implement the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities with due and dedicated attention to the situation of religious minorities present in the country. In accordance with the Declaration, attention to religious minorities should include, but go beyond, freedom of religion or belief. A minority rights-based approach is required that is comprehensive in scope and that recognizes that religious minorities may require special attention and positive measures to ensure the full enjoyment of their rights to non-discrimination and equality in all aspects of society — civil, cultural, economic, political and social;**

(b) **The provisions of the Declaration should be translated by States into national legislation, and dedicated attention to religious minorities should be reflected in the national institutional frameworks for the protection of human rights, including line ministries and governmental departments, national human rights institutions and consultative bodies and mechanisms. Existing legislation should be reviewed to ensure that no provisions exist that are discriminatory or have a discriminatory impact, directly or indirectly, on persons belonging to religious minorities;**

(c) **States must ensure that the national educational environment is welcoming and non-discriminatory for those belonging to religious minorities and that reasonable accommodation is provided for them to learn about their own religion, manifest their religion, participate in their religious holidays, and learn about the religions and beliefs of others. In conformity with the Declaration, States should, where appropriate, take measures to encourage the acquisition of knowledge about the history, traditions, language and culture of the minorities existing within their territory;**

(d) **States should undertake research and data-gathering exercises, including in the context of national census surveys, aimed at compiling detailed information on the demographic and socioeconomic situation of religious minorities in their country. Such data should be quantitative and qualitative in nature and include considerations of the situation of religious minorities relative to other members of society. It should have the objective of providing a comprehensive mapping of religious communities, their situations and the challenges affecting them, and it should be carried out in consultation with and the voluntary participation of minorities;**

(e) **Fundamental to the protection and promotion of the rights of religious minorities are meaningful consultation with, and the effective participation of, religious minorities in decisions that affect them. Positive measures to ensure consultation and participation at all levels of society are required. The inclusion of religious minorities in consultative and decision-making bodies helps to ensure that their views, issues and concerns are taken into account. Where religious minorities form the majority in a particular region or locality, cultural and/or political autonomy arrangements may be considered appropriate, with due consideration given to ensuring the rights of those who may form a minority in those localities;**

(f) **The security situation of religious minorities in some States is cause for serious concern and requires the urgent attention of national Governments, regional intergovernmental human rights bodies and the United Nations. Acts of violence and widespread and systematic violations of human rights — sometimes by the State itself — threaten the very existence of religious minorities in some States or territories. States have the responsibility to protect human rights and security for all and to create conditions of peace and stability. They must act appropriately and rapidly to protect the rights and security of religious minorities under threat and prosecute anyone who commits, supports or incites violence against them;**

(g) **In multi-faith societies, efforts to build a climate of trust, understanding, acceptance and interfaith cooperation and exchange benefit the whole of society and are essential elements of good governance and measures to prevent grievances, tensions and conflict. The active engagement and leadership of religious, community and political actors is essential to such efforts and should be encouraged and supported, including through the establishment of formal and informal mechanisms for dialogue, exchanges of views and consideration of interfaith and intercommunity initiatives.**

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Promotion and protection of the rights of children: follow-up to the outcome of the special session on children

Follow-up to the special session of the General Assembly on children

Report of the Secretary-General

Summary

The present report assesses the steps taken in 2012 to achieve a world fit for children, highlighting the gaps in achievement as well as the strategic shifts necessary to meet the unmet goals.

The present report has been prepared in response to General Assembly resolutions S-27/2 of the twenty-seventh special session in 2002, 58/282 and 61/272, in which the Assembly requested the Secretary-General to report regularly on progress made in the implementation of the Declaration and Plan of Action included in the annex to resolution S-27/2, entitled "A world fit for children".

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I. Introduction

1. At the historic special session of the General Assembly on children in 2002, delegations from 190 countries adopted the Declaration and Plan of Action entitled "A world fit for children" (resolution S-27/2, annex). It committed Governments to a time-bound set of goals for children and young people, with a particular focus on: (a) promoting healthy lives; (b) providing quality education; (c) protecting children against abuse, exploitation and violence; and (d) combating HIV/AIDS. The present report is the eleventh update of progress made in follow-up to the special session of the Assembly on children.

2. A commemorative plenary meeting on the commitments made in "A world fit for children" was held in 2007 to review the outcome and progress made in implementing the Declaration and Plan of Action. At the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals in 2010, Member States further committed to accelerating progress towards achievement of the Goals by adopting resolution 65/1, "Keeping the promise: united to achieve the Millennium Development Goals".

3. Those commitments and the efforts supported by Member States are showing real results, yet the progress is uneven and much work remains to be done. Globally, child survival rates continue to improve. Some 40 per cent of child deaths occur during the first month of life; however, deaths of young children reached an all-time low in 2011, at an estimated 6.9 million. Recent research has underscored the irreversible harm to physical and cognitive development caused by stunting in early childhood, and about one in four children under 5 years old are stunted. Maternal mortality has declined dramatically, from 543,000 deaths per year in 1990 to 287,000 in 2010, but faster progress is needed. Between 1990 and 2008 an estimated 1.77 billion people gained access to improved sources of drinking water, yet in 2011, 768 million people still lacked access to improved water sources. The sanitation target in the Millennium Development Goals is unlikely to be met, as some 2.5 billion people do not have access to improved sanitation. Among them, 1.1 billion people continue to practise open defecation. Though the number of children out of school fell to 57 million by 2011, from a high of 102 million in 2000, it is estimated that globally 120 million children of primary school age, out of a total of 650 million, do not reach grade 4. A further 130 million who are in school are failing to learn basic numeracy, literacy and life skills. Globally, 34 million people were living with HIV at the end of 2011, approximately 3.3 million of whom were children younger than 15.

4. Throughout 2012, the world faced challenges and heightened instability, including rapid political change in several countries of the Middle East and North Africa, a return of famine to the Horn of Africa and the persistent effects of the 2008 global financial crisis, including widespread underemployment and unemployment. The effects of those shocks on children were further compounded by cuts in health and education spending in some countries.

5. To ensure the realization of child rights, parents and children need to be informed about them. More needs to be done in the area of dissemination and information regarding the Convention on the Rights of the Child. For example, the Convention has not been translated into certain minority languages or sufficiently disseminated, which disproportionately hampers the awareness of rights and fundamental freedoms among children belonging to ethnic minority and indigenous groups.

II. Follow-up to the General Assembly special session on children

A. Planning for children

6. In 2012, the United Nations Children's Fund (UNICEF) supported the analysis of child poverty and disparities in 81 countries, was engaged in social budgeting in 64 countries, was involved in social protection in 104 countries and provided technical advice on migration issues in 35 countries. In addition, 103 country offices produced major thematic studies or analyses (aside from situation analyses), of which some 70 explicitly used a human rights framework and 55 applied a gender analysis framework. The number of posts related to economic and social policy expanded from fewer than a dozen in 2004 to 56 in 2012.

B. Promoting implementation of the Convention on the Rights of the Child

7. The results of the inter-agency study on violence against indigenous girls, adolescents and young women, undertaken by UNICEF, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Population Fund (UNFPA), the International Labour Organization and the Office of the Special Representative of the Secretary-General on Violence against Children, were released during the twelfth session of the Permanent Forum on Indigenous Issues, in 2013. As planned, the initial findings of the study served as a technical contribution to the fifty-seventh session of the Commission on the Status of Women and will also be used as such for the International Conference on Population and Development Beyond 2014 review. The study, the first of its kind, has succeeded in bridging gaps in knowledge concerning gender-based violence faced by different categories of females and builds on the studies of the Secretary-General on violence against children and violence against women, conducted in 2006.

C. Collaborating with partners and leveraging resources for children

8. According to the latest statistics from the Organization for Economic Cooperation and Development, in 2012 the members of its Development Assistance Committee provided $125.6 billion in net official development assistance, representing 0.29 per cent of their combined gross national income. That fell far short of the United Nations target level of 0.70 per cent. In real terms, it represents a drop of 4.0 per cent compared to 2011 and of 6.0 per cent since 2010, the year official development assistance reached its peak. Excluding 2007, which saw the end of exceptional debt relief operations, the decrease in 2012 is the largest since 1997. It is also the first time since 1996-1997 that aid has fallen in two successive years. Several Governments continue to tighten their budgets, with direct impact on development aid. There is also a noticeable shift in aid allocations away from the poorest countries and towards middle-income countries.

9. Despite the current fiscal pressures, some countries have maintained or increased their development assistance budgets in order to reach the targets they

have set. Data for 2012 show that although total net official development assistance fell, aid for core bilateral projects and programmes (excluding debt relief grants and humanitarian aid) rose by 2.0 per cent in real terms; by contrast, core contributions to multilateral institutions fell by 7.1 per cent. Bilateral aid to sub-Saharan Africa was $26.2 billion, representing a fall of 7.9 per cent in real terms compared to 2011. Aid to countries on the African continent fell by 9.9 per cent to $28.9 billion, following exceptional support to some countries in North Africa after the Arab Spring in 2011. Bilateral net assistance to the group of least developed countries also fell by 12.8 per cent in real terms, to about $26.0 billion.

10. A growing number of private philanthropies, non-governmental organizations and private sector and global programmes are engaging in development and leveraging additional funding for children worldwide, including through innovative mechanisms.

11. Increased collaboration with donors has led to greater coordination and leveraging of resources for children in emergencies. New donors have also provided funding to improve the capacity for humanitarian response. New mechanisms incorporated into funding agreements, such as multi-year agreements and thematic agreements specific to the country programme cycle, have increased the flexibility and predictability of funding for programmes.

D. Monitoring progress

12. At the global level, monitoring of child outcomes has been continuously strengthened by support to the multiple indicator cluster surveys and demographic and health surveys. Nearly 240 multiple indicator cluster surveys have been undertaken in more than 100 countries, and 59 countries completed the fourth round of the surveys in 2012. There was also focus on preparation for the fifth round of multiple indicator cluster surveys, which is expected to occur in more than 60 countries from 2013 to 2015. The surveys will provide a unique source of statistically sound and internationally comparable estimates covering a range of indicators at national and subnational levels on child and maternal health, nutrition, education, child protection, water and sanitation, and HIV and AIDS. These data are critically important for the final Millennium Development Goal assessment and for setting a baseline for the post-2015 agenda. An innovative tool for equity analyses, the Multiple Overlapping Deprivation Analysis, has been developed to analyse child poverty and disparities in more than 50 countries, leading to more child-focused policies and processes.

13. Multi-country assessments of real-time monitoring initiatives have also been undertaken during the reporting period. The objective is to harness the potential of monitoring innovations to protect vulnerable children and achieve equity results as part of the Monitoring of Results for Equity System.

14. Efforts have also been made to better understand and carry out the effective real-time monitoring of vulnerable families and children. In Kosovo, real-time monitoring has shown that repatriated children — mostly belonging to the Roma, Ashkali and Egyptian populations — face a high risk of poverty and high levels of statelessness, while also suffering from mental health problems and lack of social support networks. In the East Asia and the Pacific region, real-time monitoring was carried out through sentinel site monitoring and field research undertaken for

children's equity atlases. In Cambodia, a child tracker bulletin was implemented to strengthen monitoring and reporting on the Convention on the Rights of the Child.

15. In partnership with various United Nations agencies, 11 data-driven sector reports were published in 2012. They covered such topics as pneumonia and diarrhoea, child mortality, water and sanitation, nutrition, violence and AIDS. Methodological development and cutting-edge research was conducted, focusing on key indicators, such as child mortality, disability and HIV and AIDS vulnerability. In many instances the work was conducted through Millennium Development Goal Inter-agency Monitoring Groups. Some of the reports were published in peer-reviewed journals such as the *Public Library of Science Medicine* collection on child mortality estimation. Capacity was developed in estimation methods covering issues such as immunization; HIV and AIDS; water, sanitation and hygiene; and child mortality at regional and country levels.

16. A new version of the DevInfo database tool — DevInfo 7 — was launched during 2012. The objective of the new version, which represents a radical departure from the past, is to increase the use of development data in DevInfo format. It improves access to and transparency of data for the more than 130 countries using DevInfo. Data are already available for 71 countries in a new global online DevInfo catalogue, and more countries are added regularly. A new and simplified user interface facilitates creating, viewing, sharing and embedding maps and other visual aids for data presentation. In addition, new computer-oriented tools facilitate the interchange of data and allow others to build applications using DevInfo data.

17. In 2012, an interactive "dashboard" was produced to aid exploration of child mortality and its causes, using animated maps and bubble charts to facilitate data interpretation and dissemination linked to A Promise Renewed (apromiserenewed.org). Support was also provided to national child survival scorecards as a tool for promoting accountability for improved child survival outcomes.

18. Improvements were also made to the ChildInfo statistical website (childinfo.org) to provide easier access to data. The website provides multiple indicator cluster survey reports and technical and methodological tools, overviews of trends and current status, databases on disparities, country statistical profiles and data-driven reports. Traffic to the site has more than doubled in the past two years, and further increases are expected following the launch of a revised version in 2013.

E. Participation and self-expression of children

19. The principle of respect for the views of the child has been legally recognized in a growing number of countries, and there are several examples of States supporting the involvement of children in the design and implementation of relevant laws and policies through consultations, seminars and workshops. In most countries, however, children's right to be heard has not yet been systematically integrated into the development of public policies and programmes.

20. Primary areas of concern remain, including insufficient clarity and limited practical application of legal provisions, including adequate safeguards and mechanisms for protecting the right of children to be heard free of discrimination, manipulation or intimidation. In some countries that disproportionately affects girls, younger children, children with disabilities and child victims of physical and sexual

abuse. There is also a concern that the special linguistic requirements of some children, including indigenous children, are not being adequately taken into account in judicial and administrative decision-making.

21. Increasingly the establishment of child and youth councils or parliaments, as well as student councils and boards, reflects the intention of States parties to strengthen children's participation in various levels of national, subnational and school governance. Some countries have institutionalized or scaled up initiatives related to establishing "child-friendly" districts, cities or municipalities, which include measures to promote children's participation in local governance.

22. There are growing examples of the establishment of child rights offices, units or centres within national human rights bodies and the creation of independent human rights institutions for children, such as ombudspersons for children. Children themselves make proportionally few complaints to child rights institutions, however, suggesting that more attention is needed to make such institutions sufficiently accessible to children. The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, adopted and opened for signature and ratification by the General Assembly in resolution 66/138, establishes a complaints procedure for the violations of children's rights. It provides the opportunity for seeking redress for issues that have not been addressed at the national level.

III. Progress in the four major goal areas

A. Promoting healthy lives

23. Over the past 50 years, child mortality has dropped by about 70 per cent worldwide. In the past two decades alone child deaths have fallen dramatically, from 12.0 million in 1990 to an estimated 6.9 million in 2011. The rapid progress is largely due to high-impact interventions and tools for child survival, notably new vaccines and improved health-care practices.

24. Mortality is not being reduced uniformly, however, and reductions in deaths during the neonatal period lag behind survival gains among older children. As a result, the share of neonatal deaths in all deaths among children under age 5 has increased from 36 per cent in 1990 to 43 per cent in 2011. Faster reductions in neonatal mortality are critical to achieve Millennium Development Goal 4.

25. Since its launch at the World Health Assembly in 1988, the Global Polio Eradication Initiative has reduced the global incidence of polio by more than 99 per cent and the number of countries with endemic polio from 125 to 3. More than 10 million people are walking today who otherwise would have been paralysed.

26. In 2012, worldwide polio cases plunged 66 per cent from the previous year, to 223. Fewer children than ever were paralysed by polio in 2012, and in the fewest places ever. At the end of the year, endemic transmission remained only in Afghanistan, Nigeria and Pakistan. India, which only a few years ago had more polio cases than any other country in the world, was removed from the list of polio-endemic countries at the beginning of 2012 and has now experienced two years with no wild poliovirus transmission.

27. The tragic, targeted killings of health workers in late 2012 and early 2013 in Nigeria and Pakistan present a new threat to that progress. Governments and partners, however, have initiated a number of adjustments to improve safety in specific areas and to safeguard the continuity of campaigns.

28. According to estimates from the World Health Organization (WHO), 59,000 newborns died from neonatal tetanus in 2011, a 93 per cent reduction from the late 1980s. When a country reduces rates to less than 1 case per 1,000 live births per district, maternal and neonatal tetanus is considered eliminated. Six additional countries were validated as having eliminated the disease in 2012. Now 31 of the 59 priority countries have achieved the goal, leaving 28 countries that are deemed to be at greatest risk. In addition, 18 states in India, all of Ethiopia, parts of Somalia and 29 of 33 provinces in Indonesia have eliminated maternal and neonatal tetanus.

29. Measles is one of the leading causes of death among young children, and more than 95 per cent of deaths occur in low-income countries having weak health infrastructure. Since 2000, more than 1 billion children in high-risk countries were vaccinated against the disease through mass vaccination campaigns, about 225 million in 2011 alone. Global measles deaths have decreased by 71 per cent since 2000, from an estimated 548,000 to 158,000.

30. Partnering with the American Red Cross, the United States Centers for Disease Control and Prevention, the United Nations Foundation and WHO, UNICEF spearheaded the Measles and Rubella Initiative to set the world on course for the global elimination of these preventable diseases. In 2012, the Initiative began combining measles with rubella control and elimination. It works with countries to provide technical and financial support to improve routine immunization, conduct successful measles and rubella campaigns and strengthen surveillance and laboratory networks.

31. Following the call in 2008 by the Secretary-General for universal access to malaria interventions, distribution of life-saving commodities was rapidly expanded in sub-Saharan Africa, the region with the highest burden of malaria. During the past decade, an estimated 1.1 million malaria deaths were averted, primarily as a result of scaling up malaria interventions.

32. Fifty countries are on track to reduce their malaria case incidence rates by 75 per cent, in line with the World Health Assembly and Roll Back Malaria programme targets for 2015. Those 50 countries, however, account for only 3 per cent (7 million) of the total estimated malaria cases worldwide. International targets for malaria will not be attained unless considerable progress is made in the 14 countries with the highest burden, which account for an estimated 80 per cent of malaria deaths. In 2012, UNICEF continued its crucial role as one of the world's largest procurers of insecticide-treated mosquito nets.

33. The Global Strategy for Women's and Children's Health of the Secretary-General notes the inequitable access to life-saving medicines and health supplies encountered by women and children around the world. It calls on the global community to work together to save 16 million lives by 2015. The United Nations Commission on Life-saving Commodities for Women and Children, launched in March 2012, is addressing the challenges outlined in the Global Strategy, focused on saving lives through improving equitable access to life-saving commodities. As part of the "Every woman, every child" movement, the Commission presented a report to

the Deputy Secretary-General in September 2012 with 10 clear recommendations to support access to selected commodities. The Commission also endorsed an implementation plan to provide life-saving commodities to women and children. It breaks down the 10 recommendations for the 13 commodities and provides cross-cutting and commodity-specific actions.

34. Though the number of underweight children fell by 36 per cent in 2011, from an estimated 159 million children in 1990, an estimated 101 million children under age 5 are underweight globally. Globally, 26 per cent of children under 5 are stunted, and an estimated 80 per cent of the world's 165 million stunted children live in just 14 countries.

35. To support nationally driven processes to reduce stunting and other forms of malnutrition, the global nutrition community is uniting around the Scaling Up Nutrition movement. The movement unites Governments, civil society, businesses and citizens in a worldwide effort to end undernutrition. Since it was launched in 2010, 41 countries have joined. Each is working to increase people's access to affordable, nutritious food and other determinants of nutritional status, such as clean water, sanitation, health care, social protection and initiatives to empower women. Most countries have established mechanisms to reduce undernutrition, and many are scaling up programmes with demonstrable results. The countries aim to collectively meet the global targets agreed at the World Health Assembly, held in 2012, including a 40 per cent reduction in the number of stunted children by 2025. The main focus of the interventions is the 1,000 days between pregnancy and the child's second birthday.

36. The United Nations Systems Network for the Scaling Up Nutrition movement is led by the Standing Committee on Nutrition and the REACH Initiative. The United Nations System Network brings together the global-level United Nations normative platform for policy and technical harmonization with country-level coordination in support of national nutrition plans and joint United Nations efforts. Formed in 2012, the group is made up of high-level leaders representing the array of partners engaged in the Scaling Up Nutrition movement: Governments, civil society, international organizations, donor agencies, businesses and foundations. The members are appointed by the Secretary-General and are collectively responsible for the functioning of the movement.

37. UNICEF and partners continued to actively promote the fortification of wheat flour with folic acid, which helps prevent birth defects, and with iron, which improves iron status among women of childbearing age. As at December 2012, 75 countries, representing about 2 billion people, mandated the fortification of wheat flour. That constitutes more than a doubling of countries, from 33 to 75, since 2004. The amount of flour currently fortified represents about 30 per cent of the global production of wheat flour from industrial mills.

38. According to the most recent available information, 75 per cent of children aged 6 to 59 months in developing countries are fully protected with two life-saving doses of vitamin A. Of 55 countries with data in 2011, 31 had reached the 80 per cent target of full coverage of vitamin A supplementation. Notably, coverage exceeded 80 per cent in the least developed countries, indicating sustained ability to reach the most vulnerable populations.

39. The issue of maternal health is tied to the issue of equity. Globally, maternal mortality continues to fall. The global average of 210 deaths per 100,000 live births in 2010 is still too high, however, and maternal mortality rates in underserved areas, among disadvantaged populations and in the poorest countries continue to far outpace that average. Access to skilled birth attendance continued to rise in 2012, when measured globally, to 67 per cent, up from 60 per cent in 2000. Similarly, the percentage of women delivering their babies in health facilities rose from 48 per cent in 2000 to 60 per cent in 2012. Bringing the issue of equity into focus, deep disadvantages due to income, ethnicity, geographic location and education put some women at high risk of pregnancy-related death.

40. By the end of 2011, 89 per cent of the world's people used an improved drinking-water source, and 55 per cent enjoyed the convenience and associated health benefits of a piped supply on premises. Though more than 2.1 billion people have gained access to improved water sources since 1990, an estimated 768 million people did not use an improved source for drinking water in 2011. Urban drinking-water coverage has remained high over the past two decades, and currently only 4 per cent of the urban population relies on unimproved sources. In spite of high urban coverage rates, however, issues of service quality remain. Supplies are often intermittent, increasing contamination risks. By the end of 2011, 83 per cent of the population without access to an improved drinking-water source lived in rural areas.

41. Some countries are failing to increase access to improved drinking sources in line with population growth. Rapid urbanization presents challenges to raising access to improved drinking water. The proportion of the world's population living in urban areas increased from 43 per cent in 1990 to 53 per cent in 2012, raising the total urban population to 3.7 billion. Climate change is also leading to more water stress through extreme weather events and natural disasters. The combined effects of climate change are likely to provide significant challenges in advancing progress towards the Millennium Development Goal water target.

42. Sanitation coverage in 2011 was 64 per cent. Since 1990, almost 1.9 billion people have gained access to an improved sanitation facility. The world remains off track on the sanitation target of 75 per cent coverage, however, and if current trends continue the target will be missed by more than half a billion people. By the end of 2011, 2.5 billion people still did not use an improved sanitation facility. The number of people practising open defecation decreased to more than 1 billion, but that still represents 15 per cent of the global population, although that percentage is down from 24 per cent in 1990. Of those without sanitation, 71 per cent live in rural areas, where 90 per cent of all open defecation takes place.

43. New sanitation policies adopted in recent years throughout the developing world have shown remarkable success and have led to significant increases in sanitation coverage. In a number of countries, new approaches to sanitation have taken root and the number of declared "open-defecation-free villages" is rising.

44. In April 2012, the second high-level meeting of the Sanitation and Water for All global partnership convened by UNICEF and the World Bank brought together ministers responsible for finance, development cooperation, and water and sanitation with heads of the world's leading water and sanitation agencies. Ministers tabled more than 400 tangible country-specific commitments that, if honoured, will improve access to sustainable sanitation for more than 300 million people and to drinking water for more than 220 million.

45. Under the umbrella of "Committing to Child Survival: A Promise Renewed", the Governments of Ethiopia, India and the United States of America joined UNICEF to bring together a broad consortium of people, organizations and Governments committed to accelerating the end of preventable child deaths. The global movement is dedicated to providing technical assistance to countries to fund and implement programmes in support of child survival. Since June 2012, more than 170 Governments have signed a pledge vowing to make every possible effort to accelerate declines in preventable child deaths. More than 200 civil society organizations, 91 faith-based organizations and 290 faith leaders from 52 countries have signed their own pledges of support. Participating Governments are working to (a) sharpen and implement high-impact plans with measurable targets; (b) mobilize broad-based social and political support for the goal of ending preventable child deaths; and (c) monitor and report progress locally, nationally and globally, celebrating successes and reinforcing areas where progress lags.

46. Direct and targeted interventions in emergencies have provided nutrition assistance to tens of millions of children. It has included support for therapeutic feeding for 2.11 million children suffering from severe acute malnutrition. More than 18.80 million people gained access to water and 7.78 million to sanitation in humanitarian emergencies in 2012, an increase over 2011. An estimated 3.6 million children in emergency situations in more than 49 countries obtained access to formal education and other learning opportunities. In 2012, UNICEF supported vaccination against measles of more than 1.3 million children in the Syrian Arab Republic, and more than 263,000 people were provided with winter supplies, including medicines and non-food items. In neighbouring countries, approximately 180,000 affected people, roughly half of them in Jordan, were reached with education, water and sanitation, and child protection interventions. Across the Sahel region, treatment was provided for more than 920,000 children under 5 suffering from severe acute malnutrition. The children represented over 80 per cent of the target and 300,000 more than the number of children treated in 2011.

B. Providing quality education

47. Countries have made good progress on the Millennium Development Goals on education and gender (Goals 2 and 3) and the Education for All goals. More children than ever before are attending preschool, completing primary school and making the transition from primary to secondary school. Some of the most impressive gains since 2000 have been made by countries in South Asia and sub-Saharan Africa.

48. The adjusted primary net enrolment rate grew from 85 per cent in 2000 to 91 per cent in 2011. Over the same period, the number of children out of school worldwide declined by almost half, from 102 million to 57 million. Girls' enrolment in primary education has also been increasing at a faster rate than that of boys, helping to close the gender gap. The progress seen at the start of the decade has slowed considerably, however. Between 2008 and 2011, the number of out-of-school children of primary-school age fell by only 3 million, which means that, at the current rate, the world is unlikely to meet the target of universal primary education by 2015. The benefits of progress in reducing the number of children out of school has also failed to reach those living in conflict-affected countries; in 2011, half of all children out of school, the majority of them girls, were living in countries affected by conflict, compared to about 42 per cent in 2008.

49. Sub-Saharan Africa is home to more than half the world's out-of-school children. Between 2000 and 2011, the adjusted primary net enrolment rate increased from 60 per cent to 77 per cent in the region; however, the region continues to face a rising demand for education from a growing population. In 2011, there were 30 million more children of primary-school age in sub-Saharan Africa than in 2000. Considerable progress has also been made in South Asia, where the adjusted net primary enrolment rate increased from 78 per cent to 93 per cent between 2000 and 2011. More than half the reduction in the global number of children out of school can be attributed to that region, where the number of such children fell from a high of 38 million in 2000 to 12 million in 2011.

50. The World Bank estimates that only 19 of 212 countries will likely fail to meet the goal of universal primary education by 2015. As the deadline approaches, equity remains a crucial challenge, and opportunities for quality education for millions of children and adolescents are strongly influenced by such socioeconomic factors as poverty, sex, race, ethnicity, disability, age, language and location.

51. Factors that act as barriers to primary education are often amplified in secondary education, which, in many countries, is neither free nor compulsory. Analysis of household survey data reveals that the greatest disparities are found between the richest and poorest households, and between urban and rural areas, with girls primarily bearing the burden of educational disadvantage.

52. Globally, the number of children enrolled in preschool has risen steadily, by an estimated 46 per cent between 2000 and 2011. Yet the global reality is that more than half of children aged 3 to 6 do not have the benefit of some form of preschool or other early learning opportunity. Globally, the proportion of children aged 3 to 6 who are attending some form of organized learning varies from 1 per cent to 98 per cent. In most countries surveyed, access to organized early learning is less than 40 per cent. Access is particularly low in countries in sub-Saharan Africa, moderate in the countries of Central and Eastern Europe and high in the Caribbean and the East and South-East Asia Region.

53. Analysis of the issue in Bangladesh, Bhutan, Georgia, Morocco, Rwanda and Uganda — which have focused on early childhood development and organized learning, and are among the 27 countries engaged in the Monitoring of Results for Equity System — shows that the expansion of early childhood development services is hampered by problems such as lack of infrastructure and qualified caregivers, and high student-teacher ratios. Other issues are weak leadership, lack of data sufficient for designing and monitoring programmes, and inadequate budget allocations.

54. UNICEF continued to give priority and strong support to marginalized communities, using targeted interventions to help provide access to early learning and school readiness, quality primary schooling and alternative learning programmes for disadvantaged children and adolescents, especially girls. There have been cross-sectoral collaborations with and investments in sectors including child protection; water, sanitation and hygiene; nutrition; and health. The efforts have been well rewarded with direct benefits to marginalized communities and continue to yield concrete examples of what Governments and development partners can do to address the needs of marginalized populations. UNICEF also emphasized upstream support and advocacy for improving education policies and systems. That has enabled the organization to shift seamlessly to a more systemic, child-friendly education model in supporting countries while continuing to make use of its

downstream support for targeted interventions at school and community levels to help countries expand quality basic education in the most disadvantaged areas.

55. The school feeding programmes supported by the World Food Programme (WFP) encourage children to attend school, and take-home rations for girls have been particularly effective in supporting gender equality in school enrolment and attendance. Education mitigates the psychosocial impact of conflict and disasters by providing children with a sense of normalcy, stability, structure and hope for the future. Schools can provide a safe haven for children and help protect them against risks such as sexual or economic exploitation or recruitment into armed groups.

56. By providing food assistance to families affected by crises, WFP helps families strained by food insecurity to avoid adopting negative coping mechanisms that can have serious harmful consequences for their children. A key objective is to avoid having children taken out of school to support the family by working or having them sent ahead or left behind as the family separates in search of survival. Adolescent girls in particular are at risk of being married off early to ease the pressure on the family's resources. Food assistance can help keep families together and children in school.

57. Against that backdrop, during 2012 UNICEF took advantage of increased opportunities to play a leading role in key strategic partnerships to mobilize political support and resources to reach the most marginalized children. In the design and execution of sector plans funded by the Global Partnership for Education, UNICEF served as the coordinating agency for 26 countries, the managing entity for 8 countries and the supervising entity for 2 countries. Through those roles, countries were supported in integrating key elements of child rights, quality and equity into their national education sector plans. UNICEF has therefore been able to marshal its experience of working at the school and community levels, and to use that experience to advocate for the inclusion of equity principles, child rights, school quality and learning outcomes and emergency preparedness and response as priorities in national education sector plans.

C. Protecting against abuse, exploitation and violence

58. UNICEF engagement with the Rule of Law Coordination and Resource Group led to greater inclusion of children in rule-of-law discussions, as evidenced in the reports of the Secretary-General. Participation on the Interagency Panel on Juvenile Justice resulted in the development of the Ten-Point Plan for Fair and Effective Criminal Justice for Children. The conference entitled "A Better Way to Protect All Children", held in India in 2012, saw the validation of the systems approach by a wide range of actors across the sector. A high-level meeting with academics and practitioners in late 2012 advanced the child protection agenda with commitments to build a global case for investment in child protection.

59. At least 60 countries worked to improve children's access to protection and prevention services. Partners' capacities were strengthened in more than 98 countries, including the provision of social welfare services, alternative care, psychosocial support and caring for child survivors of sexual abuse in emergencies. That support led, for example, to the registration of more than 29.5 million births in 82 countries in 2012.

60. Eleven additional countries ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2012, which will promote social conventions, norms and values that protect children from harm. Seven new countries ratified the Optional Protocol on the involvement of children in armed conflict. Thirty countries engaged with religious communities to prevent violence against children, including advocacy for non-violent discipline and an end to child labour. Approximately 1,775 communities declared the abandonment of female genital mutilation and cutting, bringing the number of communities that have abandoned the practice to 10,000 since the start of the UNFPA-UNICEF Joint Programme on Female Genital Mutilation/Cutting in 2008. Through the global "Together for Girls" public-private partnership, the availability of data on violence against children is being or has been collected through surveys in 10 countries. In each of the countries a process has been initiated to develop and implement a programme and policy response to address the findings.

61. UNICEF advocacy contributed to General Assembly resolution 67/146 on intensifying global efforts for the elimination of female genital mutilations, the first United Nations resolution on that issue. Additional advocacy helped bring greater attention in global, regional and national forums to preventing and responding to violence, including the broad condemnation of violence against children as well as specific forms of abuse, notably child marriage.

62. To protect children from the immediate and long-term impact of armed conflict and humanitarian crises, engagement in emergencies occurred in more than 30 countries. Landmine action programmes were launched in 3 more countries in 2012, bringing the total to more than 20 countries globally. Fourteen action plans for employing the monitoring and reporting mechanism on grave violations of children's rights in situations of armed conflict are being implemented with parties to conflict in nine countries, including four new action plans negotiated in 2012. More than 1.4 million children took advantage of access to protective community spaces, learning spaces and psychosocial support services, and more than 5,300 children associated with armed forces or armed groups were released and reintegrated into their families and communities in nine countries.

63. As part of ongoing initiatives to reduce gender-based violence, UNICEF and UNFPA, on behalf of the Gender-based Violence Area of Responsibility forum, are working together to develop an information base on gender-based violence in humanitarian contexts, including providing links to needs assessments.

64. During 2012, UNICEF worked in at least 112 countries to advocate for better laws and policies. In Viet Nam, a comprehensive review of the legal framework led to the revision of laws regarding domestic violence, adoption, people with disabilities, human trafficking, health insurance, medical examination and treatment, and food safety and marketing, as well as the Labour Code. In Burundi, a child protection code and a new national child protection policy were developed. Evidence linking laws to the provision of services is demonstrated in Albania, with the opening of an additional 62 child protection units in towns and villages as part of the roll-out of the law on the protection of child rights passed in 2010.

65. Collaboration with partner countries continued to support development of strong legislative frameworks, policies and standards to combat child trafficking. During 2012, human trafficking laws were developed or passed in countries including Belize, Bolivia (Plurinational State of), Cambodia, Maldives and Papua

New Guinea. Trafficking in Maldives was recently recognized as an official problem, and in 2012 a parliamentary bill proposed a mandatory 15-year prison sentence for those involved in child trafficking. Other achievements in Maldives include the passage of the Prevention of Domestic Violence Bill and the creation of the Family Protection Authority.

66. Regarding strengthened monitoring and evaluation, the recommendations from a meta-analysis of 52 evaluations of child protection programmes are informing strategic planning to enable programmes to move beyond addressing one or more components of the protective environment, and to shift from vertical approaches to more holistic programmes addressing the main drivers of violence. Two evaluations of the Organization's work in mine action fed into the development of the new United Nations mine action strategy for the period 2013-2018.

67. Equity in child protection programming implies working on the issues that render children vulnerable, identifying strategic points of strength and removing or reducing barriers. The roll-out of the new programme monitoring framework, the Monitoring of Results for Equity System, was an organization-wide priority during 2012. It has already enhanced child protection programming in a number of countries.

68. The Department of Economic and Social Affairs of the Secretariat continued to have a leading role in bringing global attention to the situation of children with disabilities. Its actions included co-chairing the Inter-Agency Support Group for the Convention on the Rights of Persons with Disabilities and organizing and supporting intergovernmental bodies and processes in the United Nations. One example in that regard was the fifth session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, which the department supported in September 2012. The session had a focus on children with disabilities and how international norms such as the Convention on the Rights of Persons with Disabilities could be translated into development policies and programmes to make a real change in the lives of many millions of boys and girls all over the world.

D. Combating HIV/AIDS

69. Globally, an estimated 34.0 million people were living with HIV at the end of 2011, approximately 3.3 million of whom were children younger than 15 years old. The scale-up of antiretroviral therapy in low- and middle-income countries has transformed national AIDS responses and generated broad health gains, allowing greater numbers of people, including children, to live with the virus. Since 1995, antiretroviral therapy has saved an estimated 14 million life years in low- and middle-income countries, including an estimated 9 million life years in sub-Saharan Africa.

70. Worldwide, the number of people newly infected with HIV continues to fall, dropping 21 per cent from 2001 to 2011. Still, an estimated 2.5 million people were infected with HIV in 2011, nearly 72 per cent of them in sub-Saharan Africa. Over the past decade, new infections in that region fell by 25 per cent. Despite progress overall, trends in some regions are worrisome. In the Caucasus and Central Asia, for example, the incidence of HIV has more than doubled since 2001. An estimated 27,000 people were newly infected in that region in 2011.

71. About 820,000 women and men aged 15 to 24 were newly infected with HIV in 2011 in low- and middle-income countries; more than 60 per cent were women. Young women are more vulnerable to HIV infection owing to a complex interplay of physiological factors and gender inequality. Because of their low economic and social status in many countries, women and girls are often at a disadvantage when it comes to negotiating safer sex and accessing information and services related to HIV prevention.

72. In terms of eliminating new infections among children, tangible results are now visible. The world has committed to the Global Plan Towards the Elimination of New HIV Infections among Children by 2015 and Keeping Their Mothers Alive: 2011-2015. Efforts to reduce the global figures are largely focused in 22 countries that account for the overwhelming majority of newly infected children. In 2011, an estimated 330,000 children acquired HIV infection. That represents a 43 per cent decline since 2003, when 560,000 children became newly infected, and a 24 per cent drop since 2009, when 430,000 children acquired HIV infection.

73. Sub-Saharan Africa remains most severely affected by HIV and AIDS. It is home to more than 90 per cent of the children who acquired HIV infection in 2011, though the number of children newly infected in the region fell by 24 per cent from 2009 to 2011. The number of children acquiring HIV infection also declined significantly in the Caribbean (by 32 per cent) and Oceania (36 per cent), with a more modest decline in Asia (12 per cent). Declines have also been modest in Latin America (24 per cent) and Eastern Europe and Central Asia (13 per cent); however, those three regions had already significantly reduced the numbers of children newly acquiring HIV infection. The Middle East and North Africa Region is the only area that has yet to see a reduction in the number of children newly infected.

74. New infections among adolescents 10 to 19 years old also declined in the decade from 2001 to 2011. The decline among adolescents is not as significant as the decline in new paediatric infections during that period. In addition, the target of reducing HIV prevalence in young people by 25 per cent globally by the end of 2010, agreed to at the special session of the General Asssembly on HIV/AIDS in 2001, was missed. By the end of 2011, an estimated 2.1 million adolescents aged 10 to 19 were living with HIV. Close to 90 per cent of them, or 1.8 million, were in sub-Saharan Africa.

75. During 2012, more than 57 per cent of pregnant women living with HIV received antiretroviral treatment to prevent mother-to-child transmission, and 28 per cent of children up to age 14 living with HIV received life-saving treatment. Yet more work must be done to close the gap with adult treatment, which stands at 54 per cent coverage in the same year, and to retain HIV-positive pregnant women in maternal and child health services. Ensuring treatment access for mothers living with HIV is critical for child health. Studies indicate that children whose mothers die also have an increased risk of death, regardless of the child's HIV status. Studies in adolescents have also shown that becoming an orphan increases vulnerability in children, placing them at higher risk of HIV infection. Yet the percentage of treatment-eligible pregnant women living with HIV who received antiretroviral therapy for their own health in 2011 was only 30 per cent, considerably lower than the estimated coverage for all adults eligible for therapy, which is 54 per cent.

76. International guidelines recommend that all children younger than 5 years who become infected initiate antiretroviral therapy immediately upon diagnosis. Older children follow different guidelines, initiating treatment based on their CD4 levels. In 2011, only 28 per cent of children up to age 14 who were eligible for treatment received the life-saving medicines, compared with 54 per cent reported coverage for adults in need in the same year. The disparity in treatment for adults versus children is a critical gap that UNICEF is addressing through its campaign "Unite for Children, Unite Against AIDS".

77. A basic understanding of HIV and how it spreads is fundamental to behaviour changes that promote safer sex. Yet levels of such knowledge among young people are appallingly low, especially in the worst-affected region. In sub-Saharan Africa, only 28 per cent of young women and 37 per cent of young men have a comprehensive and correct knowledge of HIV. That represents an increase of only 6 percentage points and 5 percentage points, respectively, in almost a decade. Recent surveys in countries with generalized epidemics show that less than 50 per cent of young women and men in most of those countries have a basic understanding of HIV. That falls far short of the 95 per cent target agreed to in 2001 at the special session of the General Assembly on HIV/AIDS.

78. The number of children who have lost one or both parents to AIDS remains staggeringly high. In 2011, the global tally rose to 17.3 million, and almost all those children (15.3 million) live in sub-Saharan Africa. Over the past five years, measures to mitigate the impact of AIDS on households, communities and children have been expanded by national programmes and global partners. Those investments have led to significant advances in social and health outcomes among children, including near parity in school attendance of orphans and non-orphans aged 10 to 14 years.

79. Significant scientific advances, enhanced country capacities, new cost efficiencies and the development of innovative technologies and approaches have dramatically altered the global HIV landscape. The global community has now accumulated the right combination of knowledge, experience and technology to achieve an AIDS-free generation. At this moment of increased clarity regarding what to do and how to do it, a key challenge and constraint is sustaining the political will and the financial resources to get the job done. To accelerate gains and seize new opportunities generated by scientific research, it is essential to recognize the shared responsibility for the response. International donors, emerging economies, affected countries and additional stakeholders must all actively contribute, in accordance with their respective capacities.

IV. Ways forward

80. The UNICEF strategic plan for the period 2014-2017 as well as the strategic plans of UNFPA, the United Nations Development Programme, UN-Women and WFP are consistent with and guided by the quadrennial comprehensive policy review, which establishes the main parameters of development activities in the United Nations system agreed to by member governments.

81. The rights of children will be central to the forthcoming design of the post-2015 agenda, which focuses on sustainable development, including the eradication of poverty in all its forms. A post-2015 world fit for children will be one

in which all children, in all societies, grow up healthy, well-nourished and educated and are fully protected from environmental risks and hazards as well as from violence, abuse and exploitation. Children will be major stakeholders in and contributors to a sustainable world as well as its future custodians. Indicators of their survival, protection and development will be critical to the success of the post-2015 agenda.

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Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Sixty-eighth year

Report of the International Criminal Tribunal for Rwanda

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the eighteenth annual report of the International Criminal Tribunal for Rwanda, submitted by the President of the Tribunal in accordance with article 32 of its statute (see Security Council resolution 955 (1994), annex), which states:

> The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly.

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Letter of transmittal

1 August 2013

I have the honour to submit the eighteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, dated 1 August 2013, to the General Assembly and the Security Council, pursuant to article 32 of the statute of the Tribunal.

(*Signed*) Vagn **Joensen**
President

President of the General Assembly
United Nations
New York, NY 10017

President of the Security Council
United Nations
New York, NY 10017

Eighteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Summary

The present annual report outlines the activities of the International Criminal Tribunal for Rwanda for the period from 1 July 2012 to 30 June 2013.

During the past year, the Tribunal completed its workload at the trial level and continued its efforts to complete the remaining appeals expeditiously. The Tribunal has made significant progress, delivering the final trial judgement involving one accused during the reporting period. The Appeals Chamber rendered two judgements concerning three persons, bringing the total number of persons whose judgements have been completed at the appellate level to 46. Completion of the appeals work in all but one case is expected by the end of 2014, with the final judgement in the multi-accused *Butare* case, concerning six accused, expected by August 2015.

The Office of the Prosecutor focused on the handing over of responsibility for the tracking of fugitives to the International Residual Mechanism for Criminal Tribunals and providing support for national authorities in the prosecution of crimes relating to the 1994 Rwandan genocide. Continuous support was also extended to Rwandan authorities to assist them in preparing for the transfer of cases from the Tribunal.

The Registry continued to provide a high level of administrative and judicial support to the Tribunal and to the Mechanism, the Arusha branch of which opened on 1 July 2012. The Registry ensured the cooperation and assistance of Member States with the Tribunal and further strengthened its outreach and capacity-building activities in Rwanda. The Division of Administrative Support Services continued to ensure the efficient management of the Tribunal's downsizing process and handover to the Mechanism, while at the same time preparing staff members for a life after the Tribunal.

All organs of the Tribunal are devoting their best efforts to completing the work of the Tribunal expeditiously, and a smooth transition to the Mechanism is now well under way. The following objectives require essential cooperation and support of Member States: three fugitives remain to be arrested by the Mechanism, seven acquitted persons and three persons who have completed their sentences need countries for relocation, and the Tribunal needs to be provided with sufficient resources to be in a position to complete its tasks in the time frame expected. The Tribunal relies on the ongoing support of Member States to achieve these goals.

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I. Introduction

1. This eighteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 outlines the activities of the Tribunal for the period from 1 July 2012 to 30 June 2013.

2. The Tribunal, through the Office of the President, the Chambers, the Office of the Prosecutor and the Registry, has continued its efforts to meet the goals of its completion strategy, as endorsed by the Security Council in resolution 1503 (2003), with intense trial, referral and appeals activity and judgement drafting. During the reporting period, the Tribunal has begun to hand over responsibilities to the International Residual Mechanism for Criminal Tribunals, the Arusha branch of which commenced operations on 1 July 2012. A smooth transition to the Mechanism is now well under way.

II. Activities of the Tribunal

3. As at 30 June 2013, the Tribunal consists of the Trial Chamber, the Appeals Chamber, the Office of the Prosecutor, and the Registry. From 1 September to 31 December 2012 Pascal Besnier (France) served as the Acting Registrar of the Tribunal at the Secretary-General's request while the process was undertaken to choose a new Registrar to replace Adama Dieng (Senegal), who left to assume the post of Special Adviser to the Secretary-General on the Prevention of Genocide. On 1 January 2013 Bongani Majola (South Africa) assumed the position of Assistant Secretary-General and Registrar of the Tribunal following his appointment by the Secretary-General for a term of four years or until closure, if sooner. On 10 April 2013 Judge Vagn Joensen (Denmark) was re-elected by acclamation to a second term as President of the Tribunal.

A. Activities of the President

1. Judicial activity

4. During the reporting period, the President issued orders and decisions on a variety of matters in his role as both President of the Tribunal and duty judge of the Arusha branch of the Mechanism. Those decisions and orders related to matters including State cooperation, amendment of indictments and arrest warrants, witness protection review, contempt of the Tribunal, and the administration of monitoring of referred cases.

2. Completion strategy

5. In close cooperation with the Prosecutor and the Registrar, the President has continued to implement the Tribunal's completion strategy. On 5 December 2012 and 12 June 2013, the President presented the six-monthly completion strategy reports to the Security Council. In the course of the reporting period, the Tribunal issued its

last judgement concerning one person at the trial level and two judgements at the appeals level concerning three accused. The work at the trial level is now complete and only appeals remain.

6. Any further staff attrition would be an impediment to the timely achievement of completion strategy goals. Replacement of departing staff members is a lengthy process, which even in a best-case scenario would result in delays and cannot compensate for the continuous loss of institutional memory. The Security Council, in resolution 2054 (2012), reiterated its call upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the Tribunal in order to find practicable solutions to address the staffing situation.

7. The Security Council in its resolution 1966 (2010) establishing the International Residual Mechanism for Criminal Tribunals requested the Secretary-General to make the practical arrangements necessary for the commencement of the Mechanism's operations. Under the direction of the Office of Legal Affairs, the Tribunal has worked closely with the International Tribunal for the Former Yugoslavia since February 2011 to implement that mandate. The initial priority was to develop a budget proposal for the 2012-2013 biennium and draft Rules of Procedure and Evidence. The budget was approved by the General Assembly and the Rules of Procedure and Evidence were adopted by the judges of the Mechanism in June 2012. The next steps focused on harmonizing the policies, procedures and operations of the two Tribunals, and initial provision by the Tribunal of administrative services to the Mechanism. Those efforts resulted in the successful opening of the Arusha branch of the Mechanism on 1 July 2012, following which most judicial and prosecutorial functions have now been handed over from the Tribunal to the Mechanism.

3. Diplomatic relations and other representation

8. The President maintained regular contact with United Nations Headquarters and the diplomatic community in the host country, at the seat of the United Nations, and in other countries. The United Nations Secretariat, and in particular the Office of Legal Affairs, provided important legal advice and diplomatic support to ensure smooth cooperation between the Tribunal, the Security Council and the General Assembly.

9. On the occasion of their briefings before the Security Council, both the President and the Prosecutor of the Tribunal participated in meetings of the Security Council Informal Working Group on International Tribunals. This allowed for comprehensive and open discussions with the legal advisers of the members of the Security Council.

10. The President and the Registrar have worked closely to engage in diplomatic efforts towards the relocation of persons acquitted by the Tribunal and those convicted persons who have completed their sentences and have been released from the United Nations Detention Facility in the United Republic of Tanzania. To this end, the Tribunal submitted to the Working Group on 30 May 2013 a strategic plan for the relocation of acquitted and released persons in the United Republic of Tanzania. Enhanced cooperation of Member States on the issue of relocation will be required in order for the Tribunal to be successful in implementing its strategic plan.

B. Activities of coordination mechanisms

1. Coordination Council

11. The Coordination Council, consisting of the President, the Prosecutor and the Registrar, met regularly to discuss issues affecting the entire Tribunal, such as the completion strategy, staffing, cooperation with the Mechanism, and budgetary and financial matters. A Joint Coordination Council consisting of the Presidents, Registrars and Prosecutors of the Tribunal and Mechanism also met regularly in order to take policy decisions to ensure coordinated efforts in the preparation of the budgets of the two institutions for the biennium 2014-2015 and with respect to the ongoing transition.

2. Plenary session

12. During the reporting period, the Tribunal's judges held their twenty-fourth plenary session on 10 April 2013 at The Hague. During the plenary, President Joensen was re-elected by acclamation to a second term of office and amendments to rules 6 and 26 of the Rules of Procedure and Evidence were adopted which reduce the required number of judges to adopt rule amendments and to reach a quorum at plenary sessions. The amendments were deemed necessary to ensure the smooth functioning of the Tribunal as it moves towards closure and the number of judges decreases.

3. Rules Committee

13. The Rules Committee submits or discusses proposals for amendments of the Rules of Procedure and Evidence. During the reporting period, the Committee, in its extended format, chaired by President Joensen and supported by representatives of the Office of the Prosecutor and defence counsel, met to discuss the potential need for any further amendments to the Rules of Procedure and Evidence as part of downsizing. The Rules Committee unanimously agreed to suggest the amendment of rules 6 and 26, the result of which was the amendment of those rules as described above.

C. Activity of the Chambers

1. Composition of the Chambers

14. The Chambers currently comprise one Trial Chamber and one Appeals Chamber and are composed of 10 permanent judges in the Appeals Chamber and one ad litem judge serving as President.

15. The one remaining ad litem judge, President Vagn Joensen (Denmark) is a member of the Trial Chamber. During the reporting period one permanent judge, Judge William H. Sekule (United Republic of Tanzania) was redeployed to the Appeals Chamber in The Hague and two ad litem judges, Judge Solomy Balungi Bossa (Uganda) and Judge Mparany Richard Rajohnson (Madagascar), left the Tribunal after completion of their final cases. Judge Andrésia Vaz (Senegal) resigned from her position as permanent judge of the Appeals Chamber on 31 May 2013. In accordance with article 12 bis of the statute of the Tribunal, the President has requested the Secretary-General to appoint a replacement judge to serve the remainder of Judge Vaz's term, until 31 December 2014.

16. Ten permanent judges sit on the Appeals Chamber. With the redeployment of Judge Sekule to the Appeals Chamber during the reporting period and the departure of Judge Vaz, five of them are currently from the International Criminal Tribunal for Rwanda, namely Judges William H. Sekule (United Republic of Tanzania), Mehmet Güney (Turkey), Arlette Ramaroson (Madagascar), Khalida Rachid Khan (Pakistan) and Bakhtiyar Tuzmukhamedov (Russian Federation). The five other permanent judges on the Appeals Chamber are from the International Tribunal for the Former Yugoslavia, namely Judges Theodor Meron (United States of America) as presiding judge, Patrick Robinson (Jamaica), Fausto Pocar (Italy), Liu Daqun (China) and Carmel Agius (Malta).

2. Principal activity of the Trial Chambers and the Appeals Chamber

(a) Trial Chamber I

17. The work before Trial Chamber I is complete.

(b) Trial Chamber II

18. During the reporting period, Trial Chamber II delivered judgement in its final case. The work before this Trial Chamber is now complete.

Judgement in *Ngirabatware*

19. On 20 December 2012, a section of the Trial Chamber composed of Judges Sekule, presiding, Bossa and Rajohnson rendered oral judgement in the *Ngirabatware* case, sentencing Augustin Ngirabatware to 35 years imprisonment after finding him guilty of genocide, direct and public incitement to commit genocide and rape as a crime against humanity. The accused was the Minister of Planning of Rwanda during the relevant period. Throughout the course of the trial, a total of 27 prosecution witnesses and 35 defence witnesses were heard by the Chamber. The written judgement was filed on 21 February 2013. On the same date, the Chamber rendered a decision ordering prosecution by the Mechanism of two individuals for contempt of the Tribunal for alleged improper conduct related to witnesses in the *Ngirabatware* trial. The decision has been challenged in the Mechanism by those accused of contempt. The outcome of the motions pending as at the closure of this report will determine whether the prosecutions will move forward.

(c) Trial Chamber III

20. The work before Trial Chamber III is complete.

(d) Appeals Chamber

21. During the reporting period, the Appeals Chamber was seized of appeals from eight judgements concerning 18 persons, three appeals of referrals to national jurisdictions, and five motions for review or reconsideration. The Appeals Chamber rendered two final judgements concerning three persons, three referral appeal decisions, four decisions related to review or reconsideration, and 82 pre-appeal orders and decisions.

Appeal Judgements: *Gatete, Mugenzi and Mugiraneza*

22. Trial Chamber III on 29 March 2011 convicted Jean-Baptiste Gatete, a former *bourgmestre* and director in the Rwandan Ministry of Women and Family Affairs, of genocide and extermination as a crime against humanity and sentenced him to life imprisonment. The Appeals Chamber heard the parties' appeals on 7 May 2012. In its judgement of 9 October 2012, the Appeals Chamber affirmed Gatete's convictions and entered a conviction for conspiracy to commit genocide. The Appeals Chamber reduced Gatete's sentence to 40 years of imprisonment as a remedy for the violation of his right to be tried without undue delay.

23. On 4 February 2013, the Appeals Chamber reversed the convictions of Justin Mugenzi's and Prosper Mugiraneza, entered a verdict of acquittal, and ordered their immediate release. Mugenzi, the former Chairman of the Parti libéral and Minister of Trade and Industry, and Mugiraneza, the former Minister of Civil Service, were convicted by Trial Chamber II on 30 September 2011 of conspiracy to commit genocide and direct and public incitement to commit genocide. The Trial Chamber sentenced each of them to 30 years of imprisonment. The Appeals Chamber heard Mugenzi's and Mugiraneza's appeals on 8 October 2012.

Further appeals from judgement

24. Deliberations are now in progress in the *Ndindiliyimana et al.* and *Ndahimana* cases in which the Appeals Chamber heard arguments in May 2013. The Appeals Chamber is also seized of appeals in the cases of *Nyiramasuhuko et al.* (*"Butare"*), *Karemera and Ngirumpatse*, *Nzabonimana*, and *Nizeyimana*. The briefing is in progress, and the cases are being prepared for hearings.

D. Activities of the Office of the Prosecutor

25. The Office of the Prosecutor concluded the trial phase of all proceedings and continued to focus its efforts on the completion of ongoing appeals and monitoring the referral of cases to national jurisdictions. Pursuant to Security Council resolution 1966 (2010), the Office also continued to focus on transitional activities to ensure a smooth transfer of functions to the Office of the Prosecutor of the Mechanism.

26. Oral judgement in the case of *The Prosecutor v. Augustin Ngirabatware*, the last case slated for trial before the Tribunal, was returned on 20 December 2012 and written judgement entered on 21 February 2013. The conclusion of the Tribunal's trial phase has substantially increased the workload of the Appeals and Legal Advisory Division, which has been litigating 32 appeals arising from nine cases and two referral proceedings.

27. During the reporting period, the Appeals Chamber affirmed referral orders in the *Munyarugarama* and *Munyagishari* referral proceedings. All of the referral orders are now final and the Tribunal's referrals programme is concluded, with a total of eight cases referred to Rwanda and two cases referred to France for trial. As a result of these referrals and the completion of all trials in the first instance, the Office of the Prosecutor of the Tribunal has no further trial- or fugitive-related workload. The tracking, arrest and trial of the three top-level fugitives, Augustin Bizimana, Félicien Kabuga and Protais Mpiranya, and the monitoring of all referred cases is now being managed by the Mechanism. The Office of the Prosecutor of the

Mechanism will continue to assist Rwandan authorities in locating and apprehending the six fugitives whose cases have been referred to Rwanda for trial.

28. Pursuant to the launch of the Mechanism's Arusha branch on 1 July 2012, all prosecutorial and tracking functions have been handed over to the Mechanism and all the core staff as well as the ad hoc staff necessary to conduct the *Ngirabatware* appeal before the Mechanism have been put in place. The Office of the Prosecutor provided administrative services to the Mechanism on a double-hatting basis as the Mechanism prepares to gradually support itself in its various administrative functions.

29. Substantial progress was made in the preparation of the Prosecutor's evidentiary holdings and records for archiving pending transfer to the Mechanism. Transfer of the entirety of the archives of the Office of the Prosecutor of the Tribunal to the Office of the Prosecutor of the Mechanism is expected upon completion of all appeals and related litigation before the Tribunal. In addition to the archiving of records, the Office of the Prosecutor started work on the Prosecutor's closing report to the Secretary-General and other essential legacy products initiated over the years and expected to be concluded before the expiry of the Tribunal's mandate.

30. During the reporting period, the Office of the Prosecutor also met the growing demand for provision of assistance to national prosecuting authorities. The responsibility for the servicing of foreign requests for assistance formally moved to the Mechanism from 1 July 2012 and Mechanism core staff assumed responsibility for it on 1 November 2012 with some double-hatting support from staff of the Office of the Prosecutor at the Tribunal.

31. In addition to the archiving of records, work continued on a number of other important legacy projects on which the Office of the Prosecutor of the Tribunal has been working and which are planned to conclude before the expiry of the Tribunal's mandate.

E. Activities of the Registry

1. Office of the Registrar

32. The Office of the Registrar is responsible, among others, for providing support to the Chambers and the Office of the Prosecutor. It is also responsible for the administration of the Tribunal. During the period from 1 July 2012 to 30 June 2013, the Office of the Registrar provided effective court management and filing services to both organs of the Tribunal as well as the Appeals Chamber. It supported the completion of the *Ngirabatware* trial as well as judicial filings involving trial, appeal and referral cases. It also continued to provide administrative support to defence lawyers, including securing cooperation from Member States.

33. During the period under review, the main activities of the Office of the Registrar focused on supporting the conclusion of the remaining appeals, providing support to the International Residual Mechanism for Criminal Tribunals, preparing the records of the Tribunal for archiving and handover to the Mechanism and engaging Member States on a variety of issues necessary to achieve an orderly closure of the Tribunal.

34. The Office of the Registrar continued to act as the channel of communication between the organs of the Tribunal as well as between the Tribunal and the diplomatic community. The Office of the Registrar maintained high-level diplomatic contacts with Member States, international organizations and non-governmental organizations. During the reporting period, the Office of the Registrar transmitted more than 128 notes verbales and other correspondence related to the operations of the Tribunal, in particular, to secure support and cooperation from Member States with respect to the then remaining trial of Augustin Ngirabatware. The Registry also dealt with a number of inquiries and requests for legal assistance from national jurisdictions.

35. At the coming into existence of the Arusha branch of the Mechanism on 1 July 2012, the Office of the Registrar immediately transferred the following functions to the Mechanism: the enforcement of sentences, witness protection and support in completed cases, the tracking of the three remaining fugitives and assistance to national authorities in completed cases. As required, the Office of the Registrar started and continued to provide all assistance required by the Arusha branch to ensure both the successful and timely continuation of these operations and a successful discharge of the mandate of the Mechanism. Pending the development of the Mechanism's capacity to monitor cases, the Office of the Registrar assisted the Mechanism with its function of monitoring the *Uwinkindi* case that was referred to Rwanda for trial.

36. The President and the Registrar continue to deploy all efforts to find host countries for the remaining seven acquitted persons and three released convicts. During the period under review, the Tribunal has continued to encounter obstacles in relocating these individuals. There have not yet been any positive developments pursuant to Security Council resolutions 2029 (2011), 2054 (2012), and 2080 (2012), in which the Council commended Member States that have accepted the relocation to their territories of acquitted persons and released convicts who have completed serving their sentences and reiterated its call upon other Member States that are in a position to do so to cooperate with the Tribunal for that purpose. The Registrar has highlighted the urgency of the need for increased cooperation to many Member States, including in an address to the Security Council Working Group as has the President in his statements to the Security Council and General Assembly. As detailed above, the President and the Registrar also submitted to the Security Council a strategic plan for relocation on 30 May 2013. Considering the imminent closure, the Tribunal remains in urgent need of the assistance of Member States to find a sustainable solution to this issue.

37. The Tribunal welcomed a total of 1,285 visitors, including high-level United Nations and government officials, academics, civil society, non-governmental organizations and the general public. The Office of the Registrar also managed the wide dissemination of information about the Tribunal's activities by means of press meetings, newsletters and press releases as well as the website, films and information brochures in English, French and Kinyarwanda. Through its External Relations and Strategic Planning Section, the Office also managed to distribute more than 15,000 copies of the Tribunal's Cartoon Book, which is part of the Tribunal's youth sensitization project in the five East African countries, namely Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania. It also briefed more than one thousand visitors including students, academics, military officers, media practitioners and government and non-government officials as well as members of the public who visited and toured the Tribunal. At these events, film screenings,

talks and discussions on the work of the Tribunal were held. The Section also processed numerous local and international media enquiries and broadcast trial proceedings in the *Ngirabatware* case via satellite. An open line of communication is maintained with universities and other educational institutions in the region.

38. The Umusanzu Information and Documentation Centre in Kigali and 10 additional provincial information centres located across Rwanda continued to play a key role in promoting outreach activities of the Tribunal through information dissemination, improved communication and access to the jurisprudence and other legal materials of the Tribunal. The centres are visited daily by members of the Rwandan judiciary, students, researchers and the public who are provided with informative materials and have access to briefings, training, library services, video screenings and the Internet.

39. The Information and Documentation Centre continues to be the object of greater awareness and use by senior officials of the military, police and civil society organizations from Rwanda and other countries, including Canada, Ethiopia, Nigeria, the Sudan, Switzerland and the United States of America, who are on official study and/or attachment visits in Rwanda. The Centre also received groups from Canada and South Africa during this reporting period.

40. The Office of the Registrar continued its partnership with the Department of Information of the United Nations Secretariat in promoting outreach in Rwanda through the Umusanzu centre. In February 2013, the centre received a new set of exhibition panels from the Department reflecting the history of the Rwandan genocide, which is used by the outreach team in all genocide awareness and sensitization workshops countrywide, covering 25 secondary schools, two demobilization, solidarity and reintegration camps, and one institution of higher learning, in six districts. Approximately 31,320 teachers, students and ex-combatants participated in the programme. The outreach team used the same opportunity to distribute information materials provided by the Tribunal and the Department of Information to all participating schools, camps, local government offices and members of the public. During the reporting period, the information centre in Kigali received approximately 42,000 visitors, while the provincial information centres received approximately 28,000 visitors.

2. Judicial and Legal Services Division

41. During the reporting period, the Tribunal engaged in a reorganization of the Judicial and Legal Services Division in line with downsizing and the reduced requirements in certain sections within the Division. The reorganization combined the Witness and Victims Support Section, the Court Management Section, and the Defence Counsel and Detention Management Section to form the Judicial and Legal Affairs Section. Accordingly, the Judicial and Legal Services Division is now responsible for the Judicial and Legal Affairs Section, the Language Services Section, the United Nations Detention Facility, and the Legal Library and Reference Unit.

42. The newly created Judicial and Legal Affairs Section provided legal support to the Trial Chamber and the Office of the President and managed, via focal points within the Section, the following activities during the second half of the reporting period: court management, defence counsel and detainee support, and witness and victim support. Legal officers of the Section are also currently assisting the

Mechanism by acting as interim monitors of the *Uwinkindi* trial in Rwanda. Throughout the reporting period, the monitors submitted monthly reports to the Tribunal and the Mechanism on the status of the pretrial proceedings.

43. During the reporting period, in the Judicial and Legal Affairs Section the focal point for court management provided support services to the judicial processes of the Tribunal, including provision of real-time transcripts of trial and appellate proceedings. As part of its role in the capacity-building and outreach activities of the Tribunal, the focal point for court management continued to conduct training sessions for representatives of various African countries, including the Court of Justice of the Economic Community of West African States, as well as outside of Africa, for example at the Caribbean Court of Justice. Those training sessions included demonstrations on the Tribunal's system for the instantaneous production of transcripts and the management of judicial records. As a major component of the Tribunal's transition to the Mechanism, court management contributed to the development and implementation of procedures for the filing of documents as well as management of records and archives to be transferred to the Mechanism. It also continued to prepare judicial records for transfer to the Mechanism, which includes the redaction of the audiovisual recordings of the Tribunal's proceedings so they may be made available to the public.

44. The focal point for defence counsel and detainee support continued to provide essential services to defence counsel, detainees, prisoners, and acquitted and convicted persons released in the United Republic of Tanzania. This includes management of payments to defence counsel and attending to requests from detainees and released persons in the United Republic of Tanzania related to services provided by the Tribunal.

45. During the reporting period, the focal point for witness and victim support worked closely with the Mechanism to prepare witness files for handover in relation to 57 completed cases before the Tribunal. In accordance with protective measures ordered by the Chambers, transcripts were redacted to expunge identifying information concerning witnesses or their family members prior to the transcripts being made public.

46. The United Nations Detention Facility, as at 30 June 2013, housed a total inmate population of 17 detained persons. This includes 14 convicted persons awaiting judgements on appeal by the Tribunal, one convicted person awaiting judgement on appeal by the Mechanism, one convicted person awaiting an order for transfer for the enforcement of sentence by the Mechanism, and one person imminently expected to be transferred to Rwanda for trial since the recent confirmation, on appeal, of the referral of his case to that country.

47. The Language Services Section provided mainly interpretation and translation services in English, French and Kinyarwanda to the Tribunal and the Mechanism during proceedings conducted before the Trial Chamber and the Appeals Chamber. In this regard, the Section dealt with documents emanating from the Chambers (Trial and Appeals) and the parties (prosecution and defence). It also provided the same services to the Office of the Prosecutor, the Registry and other Tribunal and Mechanism departments. In addition to translation and interpretation, the Section provided reproduction services to all organs of the Tribunal and the Mechanism. During the reporting period, six trial judgements, 10 appeal judgements, numerous trial and appeal decisions as well as various filings from parties including appeal

briefs and other judicial documents such as closings briefs, motions and replies were received for translation. As trials came to an end in 2012, interpreters were assigned to translation to boost the output and enable the Section to substantially improve delivery times. In addition, documents for translation were outsourced, and freelance revisers were recruited to alleviate the heavy workload of the Section.

48. In the framework of the legacy of the Tribunal, the Legal Library and Reference Unit has updated the online basic documents and case law database with documents up to June 2013. In order to disseminate the Tribunal's basic documents and case law to a large number of researchers, the Library is negotiating with worldwide legal databases to integrate the current basic documents as part of the Tribunal's legacy. Some world legal databases and information gateways, such as the World Legal Information Institute and the International Network for the Availability of Scientific Publications, have already included the link to the Tribunal's basic documents as part of their services providing members free access to information including legal jurisprudence. In addition, the Library released and distributed the 2012 version of the Tribunal's basic documents and case law (DVD and CD-ROM) to more than 100 judicial institutions worldwide including in Rwanda.

49. The Legal Library and Reference Unit continues to provide library services to support the judicial process at the Tribunal and the Mechanism, and to respond to the increasing numbers of requests from outside clients. From July 2012 up to the present, the Library has also benefited from the United Nations libraries consortium with respect to trial advantages from different publishers and online databases, and articles related to international criminal law and other related fields are downloaded and stored for the Library's users.

50. The Library continues to provide printed materials such as judgements in Kinyarwanda, newspapers and other relevant materials in the form of donations to the Tribunal's prison quarters in Benin and Mali, to the mini-information and documentation centres established in the provinces in Rwanda and also to the United Nations Detention Facility in Arusha.

3. Division of Administrative Support Services

51. The Division of Administrative Support Services carries the responsibility of providing a wide range of services, such as budget and finance, medical services, security, travel, human resources, training and counselling services, buildings management, and property control. During the reporting period the Division has also been providing administrative services to the Mechanism in line with the provisions of Security Council resolution 1966 (2010).

52. The process of downsizing continued to pose major challenges to the operations of the entire Tribunal and the Division has continued to respond to those challenges in a proactive and flexible manner. A staff retention exercise was conducted in order to determine the number and composition of staff to be retained until the completion of the Tribunal's work. As at 30 June 2013, the Tribunal had 349 staff members against an authorized staffing level of 416 posts. The Tribunal's staff comes from 59 countries and, as at 30 June 2013, the gender ratio of staff is 60 per cent male and 40 per cent female.

53. The Tribunal provided administrative support to the Arusha branch of the Mechanism following its establishment on 1 July 2012, including facilitation of

recruitment and provision of administrative services to the 37 Mechanism staff members in the Arusha and Kigali duty stations.

54. Through the Human Resources and Planning Section, the Tribunal has undertaken a smooth and objective downsizing process with respect to the large number of staff separating from the Tribunal. Repatriation, relocation and career counselling, in addition to the other staff administration and recruitment activities, made up the majority of the workload of the Section during the reporting period. With more than 50 per cent of the Tribunal's workforce consisting of staff members who have been with the Tribunal since its inception, the looming closure and few options for future jobs have been a source of stress and concern which the Tribunal has to deal with as part of the completion strategy. It should also be noted that the short duration of contracts issued to current staff members continued to contribute to increased uncertainty and to have a negative impact on productivity. In addition, it has proved difficult to attract qualified candidates for short-duration contracts. The current limitations to temporary appointments have the potential for a negative impact on the timely liquidation of the Tribunal's assets and liabilities, which is also part of the completion strategy.

55. The Career Development and Counselling Unit is implementing a four-pronged strategy to support the completion of the Tribunal's mandate, as follows:

(a) Training programmes to support personal and professional transition of staff: these are aimed at providing management and staff with skills to meet the challenges of organizational change and downsizing, multi-tasking and double-hatting. They also aim to provide staff with skills to successfully make the transition to another job, self-employment, or retirement, as the case may be;

(b) Training programmes to support completion of operations: these are technical training programmes aimed at helping sections to complete their operations successfully, either to close down or transfer functions to the Mechanism;

(c) Stress counselling and coaching support during the completion process: this aims to help staff and their families deal with the stress and challenges of the downsizing, and to coach them on issues such as interview preparation, career planning, problem-solving and decision-making;

(d) Provision of welfare support to separating and relocating staff and families: this is aimed at providing practical help and information during separation and relocation, and promoting physical fitness and social well-being of Tribunal staff and families during the final period of the Tribunal.

56. The Security and Safety Section continued to support the Tribunal and the Mechanism to ensure the safety and security of their staff, premises, assets and operations through implementation of United Nations security management system policies. With increasing security concerns due to bomb explosions in Arusha, the Section has continued to promote close collaboration with the host Government authorities in monitoring security trends and ensuring that appropriate measures are in place.

57. The Health Services Unit provided curative, preventive and trauma counselling support and performed medico-administrative duties for staff members and officials of the Tribunal and the Mechanism and their dependants. Owing to lack of adequate

medical facilities in Arusha, the Unit is also responsible for providing medical services to detainees, witnesses and victims.

58. In the area of resources management, the Budget and Finance Section continued to provide expertise on proper planning, control and monitoring of the utilization of available resources as well as timely and reliable services to staff members and clients of the Tribunal.

59. The General Services Section provided vital support to the Tribunal, which included realignment of office space, preparing administrative documents for archiving, construction of a temporary archives facility, general repairs and maintenance, and asset control and management.

60. The Building Management Services, in line with the completion strategy, continued to relocate surplus accommodation containers from Kigali to Arusha for use as offices, thus allowing for the return of some regular rental space to the landlord. During the reporting period, the Services continued to review use of office space in line with the completion strategy, and apart from the staff of the Office of the Prosecutor, all Tribunal staff members have been consolidated into one wing of the Arusha International Conference Centre complex. All courtrooms, apart from the one being retained for the use of the Appeals Chamber and the Mechanism, have been dismantled and the space has been reorganized or returned to the landlord.

61. The use of the Galileo Inventory Management System for Asset Management Services is now fully implemented at the Tribunal. The result is improved internal controls on asset management. Disposal of excess assets in line with the completion strategy is ongoing.

62. With the impending closure of the Tribunal, the main function of the Procurement Section has been the disposal of the Tribunal's assets and transferring those which may be utilized by the Mechanism into its custody. During the reporting period, the procurement workload has also increased because of demands for the procurement, shipping and clearing of items procured for the Mechanism.

63. The Administrative Legal Services Unit has continued to play an important legal advisory role for issues pertaining to the proper implementation and interpretation of United Nations administrative rules, cases relating to the immunities and privileges of staff regarding civil and criminal cases, and disputes related to domestic employees of Tribunal staff members. In addition, the Unit has been assisting the Registrar with appeals related to the downsizing and retention processes, performance evaluations, and investigations of allegations and misconduct in collaboration with the Office of Internal Oversight Services.

III. Conclusion and recommendations

64. The Tribunal has made significant achievements during the past year towards the goals of the completion strategy in the face of a very high workload: the final trial judgement was delivered in December 2012 and significant progress was made on the appeals and transition to the Mechanism. During the reporting period there has also been an ongoing shift in the Tribunal's focus with respect to both judicial and administrative activities. With the completion of trials and upholding of the referral to Rwanda of the second case of an accused in custody, the focus is now

squarely on the transition to the Mechanism and the completion of the appeals in an efficient and timely manner without compromising fair trial rights.

65. State cooperation remains the cornerstone for the ability of the Tribunal to complete its mandate. The Tribunal appreciates the continuing trust and support of Member States, and has continued to work in close cooperation with Member States to ensure a seamless transfer to the Mechanism of tracking efforts with respect to the remaining fugitives. The Tribunal could benefit, however, from increased cooperation with respect to its efforts to relocate acquitted persons and those convicted persons released in the United Republic of Tanzania.

66. In this respect, the Tribunal reiterates the call for urgent action to help find host countries for the now seven acquitted persons who remain in a safe house in Arusha under the Tribunal's protection as well as for the three convicted persons in Arusha who have completed serving their sentences. The Tribunal remains concerned about the consequences of failing to fulfil its obligation to relocate acquitted persons and those who have completed their sentences. In this respect, the President and the Registrar have redoubled their efforts to find States for relocation and hope that Member States will actively participate in the Tribunal's strategic plan for relocation.

67. Finally, as the Tribunal continues to separate staff pursuant to the completion strategy, the request for absorption of the Tribunal's staff members into the United Nations system is re-emphasized. The Tribunal would appreciate the usual support given by Member States in addressing its numerous challenges.

68. As the Tribunal moves into a post-trial phase where its mandate draws ever nearer to completion, it is our intention to continue efforts to ensure that the legacy of the Tribunal is not only its judicial decisions, but also the knowledge gained and lessons learned with respect to running an international judicial institution. The Tribunal's actions in capacity-building, training and education, which have now expanded beyond East Africa and even beyond Africa with recent training in the Caribbean will remain strong. The impact of the Tribunal's work will not only challenge impunity but will also improve the means to dispense justice for an entire region and educate the world on why it is important to fight to ensure that there is never again another tragedy like that of the Rwandan genocide.

69. The countdown to the closure of the Tribunal has begun. A budget proposal for the biennium 2014-2015 has been submitted, which is expected to be the final such proposal from this Tribunal. As the Tribunal continues to wrap up its work, however, a great deal remains to be done before it can close the doors and leave the residual matters to the Mechanism. In order to achieve what is necessary prior to closure, the Tribunal once again calls upon the international community to provide it with the support and resources necessary to achieve completion of its mandate.